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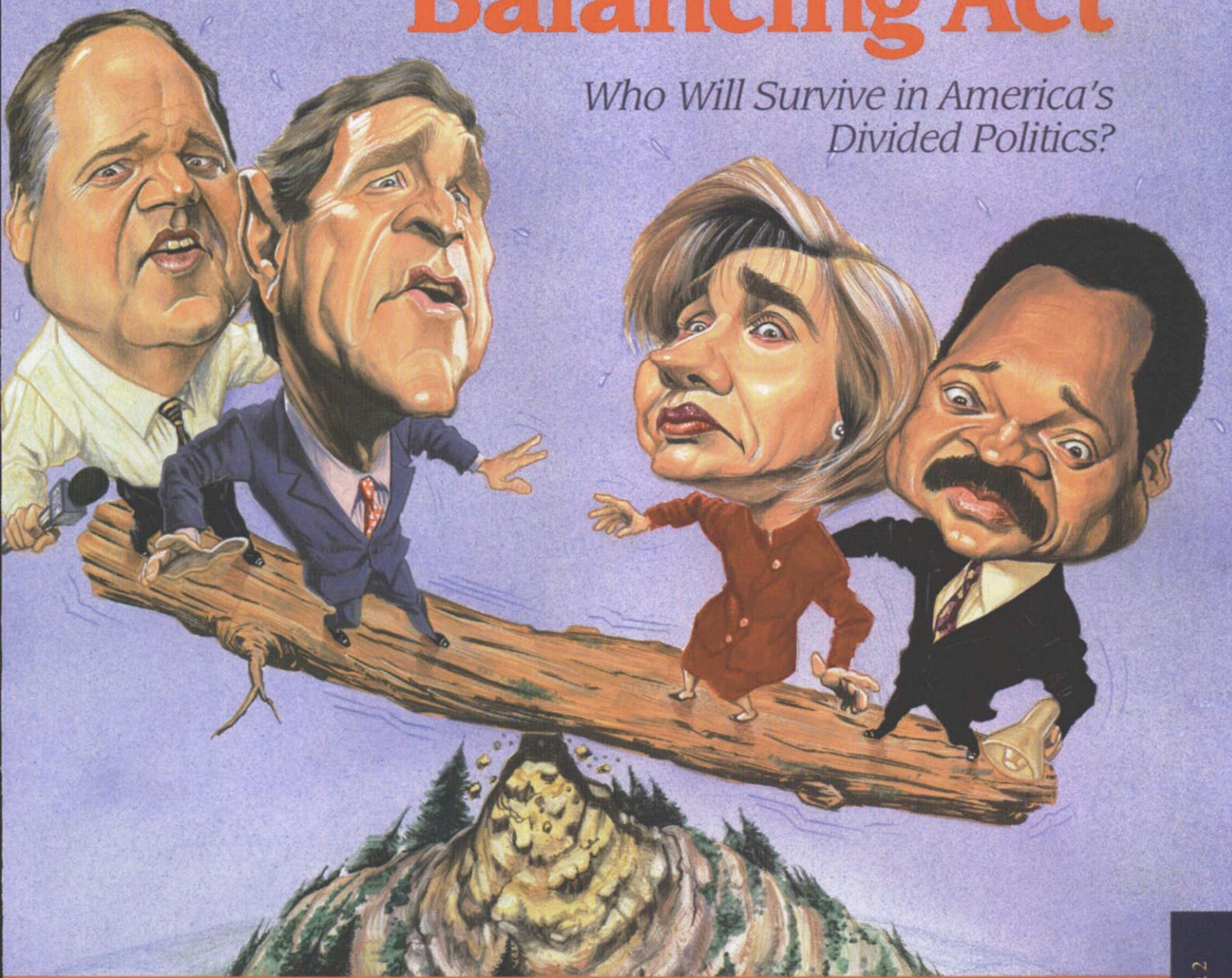

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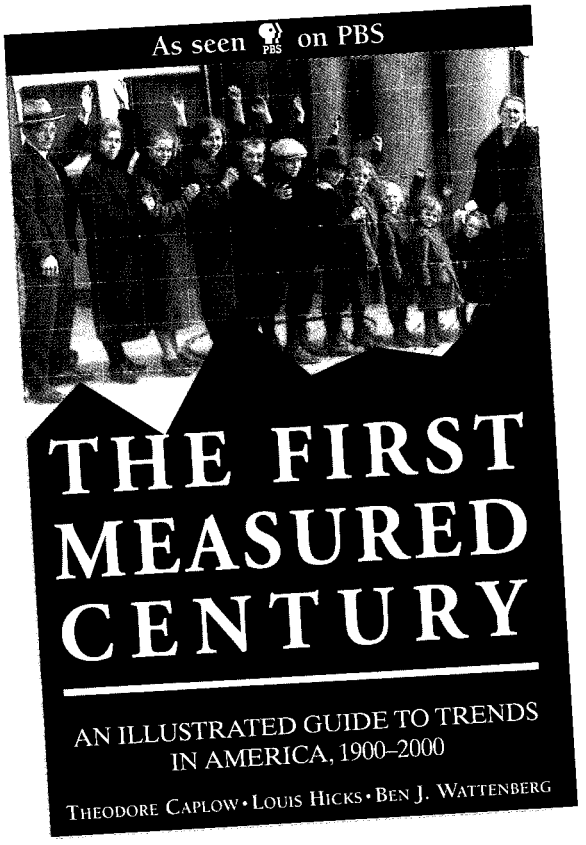

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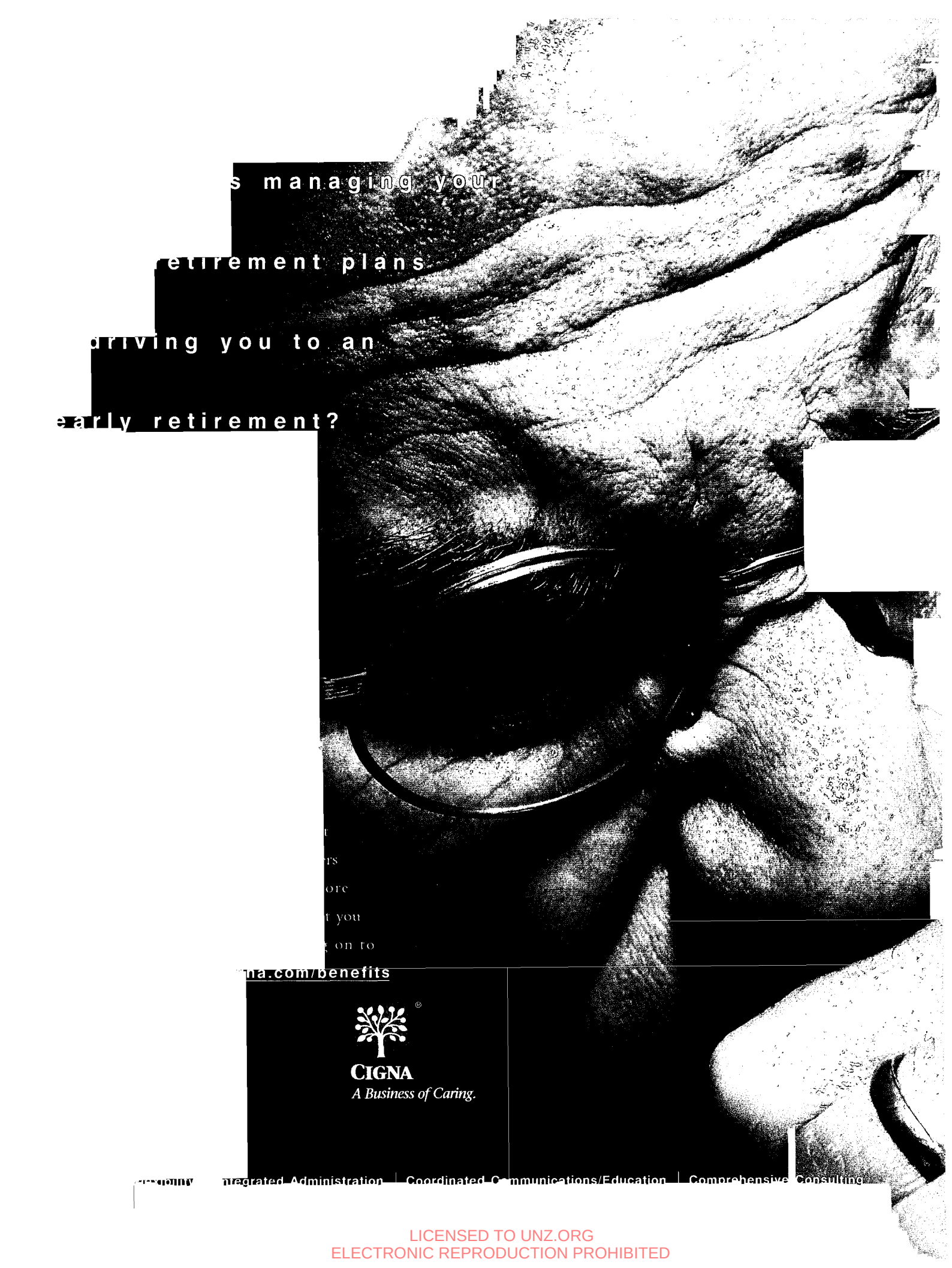

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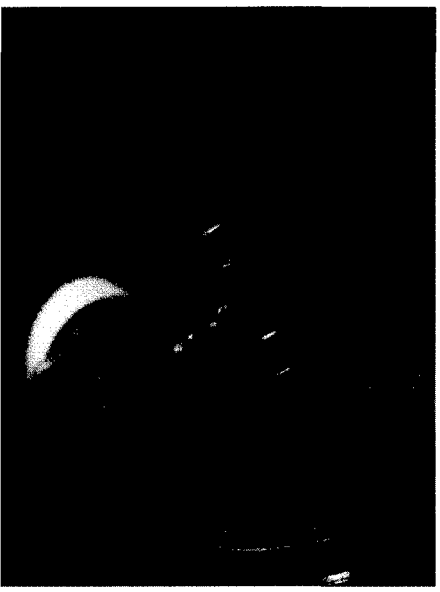

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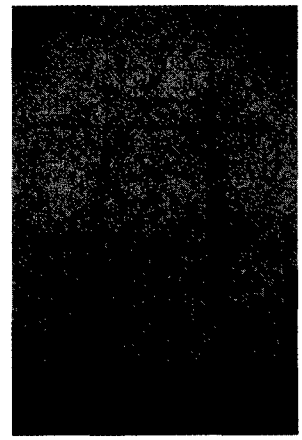

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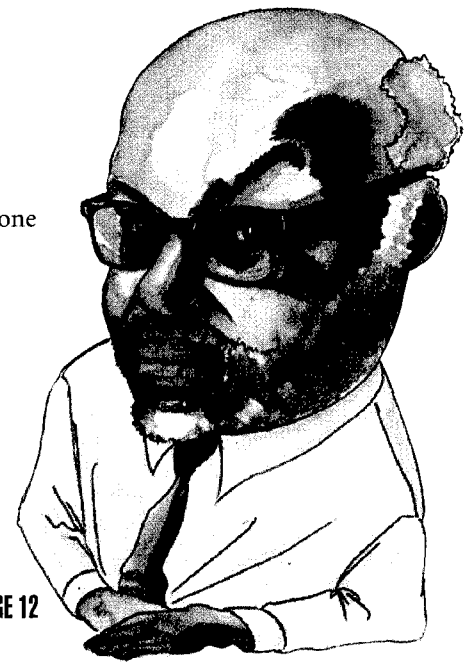

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Bird's Eye

MONA CHAREN

Surveying the Damage

Seated on the Inaugural dais, only inches from the oath-taker yet a lifetime's hopes away, Al Gore looked wan. This was duly noted by a number of my conservative friends. Confounding the stereotype of the heartless Republican, they shyly offered that they felt sorry for him.

Don't. Not only was Al Gore a carrier of the deadly virus known as Clintonism, he also displayed a level of dishonesty and ruthlessness in pursuit of the presidency that was all his own. And particularly during the grueling five weeks after the election, Mr. Gore did real damage to the nation that may require years to heal.

The country has endured hard-fought campaigns before. And Mr. Gore did not introduce mendacity to American politics. Yet his willingness to, in his own words, "do anything to win," and especially his willingness to bulldoze through the election process, has added a measure of corruption to American political life beyond what Clinton had already accomplished.

The details of the abortive theft are well-known—the all points bulletin to the plaintiffs' bar minutes after the first Florida vote count; Gore campaign manager William Daley's November 8 claim, "If the will of the people is to prevail, Al Gore should be awarded a victory in Florida and be our next President"; the attempt to count "under-votes" while disqualifying military absentee ballots; the shifting standards for counting a "vote"; and the choice of only Democratic counties to be hand counted. The gambit failed, but it might easily have succeeded. With hindsight, we can see that if the Gore forces had not wasted time demanding hand counts during the "protest" phase, they might have reached the U.S. Supreme Court one week earlier. Then it's easy to imagine the Supreme Court remanding the case to the Florida court with enough time for a third recount, which, through the magic of two-to-one Democrat to Republican canvassing boards, could have yielded Gore the votes he needed.

The nation was saved from this outcome by the luck of a 5-4 conservative majority on the United States Supreme Court. (While it's true the Court split 7-2 on the equal protection argument, the vote on the all-important remedy was 5-4.)

By fighting the outcome of the election in the courts, Gore chipped away at a foundation of our democracy: the willingness to abide by election results no matter what. The argument that Gore's edge in the popular vote gave him some sort of moral claim to the presidency was both specious and cynical. Specious, because it was no secret to Gore and his party that we have elected our Presidents through the Electoral College for 200 years. That's why, David Boaz notes (see page 30) both Gore and Bush spent time in the last days of the campaign in places like West Virginia. Al Gore no doubt wishes he'd spent more time in his home state of Tennessee, which, had he carried it, would have given him the Oval Office.

The argument was cynical because in the days before the election, as David Frum has elsewhere noted, the Democrats, expecting Bush to win the popular vote, had lined up op-ed pieces arguing that the popular vote was secondary in presidential contests. When the results turned out to be the reverse of those expected, the phone lines burned up with Democrats withdrawing their articles.

Grown-ups understand that there is no such thing as a pristine election. Mistakes and incompetence can be found in every contest. Certainly in the 2000 race, a strong case can be made that nationwide, more Bush than Gore votes were invalidated or not counted for various reasons. And while every effort must be made to ensure that voting is clean (and the quality of the Florida equipment is clearly dismaying), stability and order require that

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we overlook small, innocent mistakes. Absent fraud, mistakes will be bipartisan and the errors will favor neither side.

But Gore has now established the precedent that even relatively clean and fair elections can be dragged into the courts where a politicized judiciary may carry the day. It remains to be seen whether Gore's trampling on the election process will be repeated and lead to instability in American political life. Clearly, Gore has made that more likely.

The corruption of the courts didn't start with Florida. Mark Pulliam (page 21) gives an overview of this bitter history. For half a century, the courts have been usurping power where it wasn't being thrust into their hands by cowardly legislatures. Liberals did their best, in the post-election season, to work up synthetic outrage that the Supreme Court could (gasp!) decide an election. This was both ironic and false.

In the first place, liberals were more than delighted to see the Florida Supreme Court step in to decide the election. They even approved, Pulliam reminds us, as the Florida Supremes "unanimously, *without invitation from either side in the lawsuit*, [forbade] an elected official (Katherine Harris) [to] comply with her legal duty." Liberals had been similarly pleased by nearly every judicial arrogation of power since at least *Griswold v. Connecticut* in 1965.

But it was absurd for liberals to cry foul when the U.S. Supreme Court simply applied adult supervision to a state court that was behaving as the poster child for judicial activism. Liberals think they have conservatives over a barrel on judicial activism. Liberal judges make laws out of whole cloth—enshrining as "constitutional rights" their personal policy preferences—but when it looks like these encroachments on the people's liberty may be repealed by successor or higher courts, they pull themselves up to their full height and object, "But *you* are supposed to believe in judicial restraint." It's the liberal ratchet: Heads they win, tails we lose.

George Bush won the election according to the rules in place on November 7, 2000. The only way for Al Gore to win was to change the rules after the fact. This the compliant majority of the Florida Supreme Court was quite willing to do. Chief Justice Charles T. Wells, one of the minority of the Florida Supreme Court who actually wanted to obey the U.S. Supreme Court, dissented from the Florida Court's second gift to Gore: "The majority's decision to return this case to the circuit court for a count of the under-votes from either Miami-Dade County or all counties has no foundation in the law of Florida as it existed on November 7, 2000, or at any time until the issuance of this opinion.... Judicial restraint in respect to elections is absolutely necessary because the health of our democracy depends on elections being decided by voters—not by judges. We must have the self-discipline not to become embroiled in political contests whenever a judicial majority subjectively concludes to do so because the majority perceives it is 'the right thing to do.'"

The decision by the U.S. Supreme Court to overturn the Florida court—a decision predicted by Wells in his dissent—was not judicial activism. It was the thwarting of judicial activism.

Liberals, one suspects, knew this and chose to misrepresent it, just as they chose the other terribly damaging tactic on display during and after the election: race baiting. From the NAACP ad that linked George Bush to the ghastly dragging murder of James Byrd, to Gore's crude insinuation at a black church that Bush's pledge to appoint judges who would abide by "original intent" makes him think of slavery, the pre-election campaign was rich with race baiting. But things really got rolling during the post-election campaign, when Gore, Jesse Jackson, and many members of the Democratic Party manipulated black sensitivities in a grotesque and unforgivable manner.

There were the false stories of roadblocks set up near polling places to prevent black citizens from voting. There was talk of the "disenfranchisement" of thousands of black voters. In fact, there was only one roadblock, a routine traffic stop for police to check vehicle safety. More whites than blacks were stopped. A handful were issued summonses for broken tail lights and such. No one was prevented from voting.

As for "disenfranchisement," it has an all-too-real history in America. But it is an absurd stretch to conclude that, after two machine counts, a refusal to pore over paper ballots in search of dimpled chads amounts to a conspiracy to deny blacks the vote.

Yet such is the state of race relations in America today, and so suspicious are some black Americans (due in part to "leadership" from the likes of Jesse Jackson) that the mere accusation was a lighted match thrown on dry tinder. Millions of black Americans are furious and deeply alienated in the wake of the post-election. Many believe George Bush—the Republican who worked harder to court minority voters than any previous GOP presidential candidate—intentionally discounted their votes. All over America, black Americans think they know that Florida's vote was manipulated for George Bush's benefit. Several callers to C-SPAN in the days following Bush's win in the Supreme Court spoke of the conspiracy they had heard about to deny all blacks the vote in 2004.

When we contemplate Al Gore's unhappiness at losing the presidency, let's recall the damage he did to his country in the effort to gain his prize.

Surveying the wreckage of their political and racial warfare, the Democrats now demand that George Bush heal the breach.

The encouraging thing is—he just might.

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BIRD'S EYE guest author Mona Charen is a nationally syndicated columnist. Karl Zinsmeister will return in our next issue.

This issue of *TAE* was edited by Scott Walter.

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Sidelights

The Federal Aviation Administration ruled that US Airways did nothing wrong when it allowed a 300-pound pig named "**Charlotte**" to fly first class from Philadelphia to Seattle. ❦ CBS legal analyst **Andrew Cohen** on trying to predict the outcome of post-election wrangling in Florida: "Our sound man has been right more often then I have." ❦ "**Bush** has not put together a cabinet to my ideological liking, but he has managed to avoid the unsightly search for this or that token—a black, a woman, a Hispanic, etc. He has one or more of each, for sure, but none of them was picked solely on account of ethnicity or sex," writes *Washington Post* columnist **Richard Cohen**. ❦ "But should you be using the national airwaves to promote your opinions?" **Diane Sawyer** asked Fox News talk-show host **Bill O'Reilly**. ❦ According to the National Taxpayers Union, residents of Washington, D.C., received $24 billion in federal funds in 1998, though they paid only $1.9 billion in federal taxes. ··· George W. Bush pledges to remove the D.C. license plates decrying "Taxation Without Representation" from the presidential limousine. ❦ At a meeting chaired by **Saddam Hussein**, the Iraqi government agreed to donate 100 million euros ($94 million) to America's poor. ❦ Some academics want to remove *The Catcher in the Rye* from classroom reading lists. Its protagonist, **Holden Caulfield**, "is a white, privileged male," explains **Michael Moore** of the National Council of Teachers of English. ··· A Zogby poll of Floridians asked if they would support legislation requiring all public school subjects to be taught in English, and non-English-speaking students to be placed in an intensive one-year English immersion program: 83 percent of the state approved of the idea, including 80 percent of Democrats, 79 percent of blacks, and 70 percent of Latinos. ··· **Jim Johnson**, city manager of Eugene, Oregon, issued a five-page memo banning Christmas trees from any public space in the city. ··· Ohio attorney **Richard Ganulin** has lost his lawsuit calling for the removal of Christmas from the list of federal holidays. ❦ The play *The Most Fabulous Story Ever Told*, a gay version of the Old Testament featuring "**Adam** and **Steve**," enjoys a winter run in our nation's capital. ··· A study by the National Fatherhood Initiative finds that only a third of prime-time TV dads are positive characters. There are eight times as many negative portrayals of fathers than of mothers. ❦ "Each year, over 9,000 blacks kill one another, while less then nine die from what are described as hate crimes," notes **Robert L. Woodson**, president of the National Center for Neighborhood Enterprise. ❦ **Bill Clinton** is the first President since **Woodrow Wilson** in 1921 to stay in Washington after leaving office.

Inspired by the film of the same name, Brigham Young University students formed their own "Fight Club." Before being disbanded under pressure from school officials, the bouts drew crowds of up to 300 spectators. ❦ The Arkansas Highway Department is trying to give away 100 highway signs boasting of native son Bill Clinton. "They're not our hottest item," says one department employee. "We thought a lot of people would want them just for target practice." ··· According to the Lycos 50, the most popular search on the Web for the week ending November 11, 2000, was "Election 2000." "**Drudge** Report" was number six. "**Al Gore**" came in tenth, right after "Thanksgiving," "George W. Bush," and "**Britney Spears**." ❦ **Woody Allen**'s father recently died. A day earlier Allen had told the *New York Daily News* his dad was "a guy who smoked two packs a day since he was 16. Eats two eggs for breakfast and meat for dinner seven nights a week, dishes of ice cream before bed at night." Allen's father was 100 years old. ❦ **Tom Gallagher**, of the Wall Street research firm ISI Group, expects a tax cut to be "passed in time for tax withholding changes by September 1 or October 1." ··· The *Wall Street Journal* reports that with recent cuts in taxes on income and capital gains, Canada's economy surged 4.8 percent in the third quarter, double the U.S. pace. ❦ Queen **Elizabeth II** angered anti-hunting advocates by killing a bird during a royal hunt—with her bare hands. The bird had been shot but not killed, and the Queen, says a Buckingham Palace spokesman, "simply put the bird out of its misery as quickly as possible." ❦ Judge **Roy Moore**, who was unsuccessfully sued by the ACLU for displaying the Ten Commandments in his courtroom and for opening his court with a prayer, is now Alabama's Chief Justice. ❦ **Ernie Meyer** faces felony charges in Philadelphia after stealing a truck filled with 18,000 rolls of toilet paper. Meyer had committed the same crime one month earlier. —*BB*

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SCAN

RIGHT-WING HYPOCRITES?

Both President Bush and Vice President Cheney have argued that a tax cut is more urgent now because the U.S. economy may be heading into a recession. This claim has induced howling from liberal pundits, who smell hypocrisy. After all, Republicans have long rejected the notion, attributed to liberals' beloved economist John Maynard Keynes, that an activist government should try to adjust federal taxing and spending to micromanage the economy and keep the business cycle in check. So: Is the new Republican administration's effort to use a tax cut to stave off recession "Keynesian"?

Not at all, and here's why. Back in the 1960s, many economists believed economic fluctuations could be offset by tax policy. If people tend to consume a little bit less in a downturn, then government could, it was thought, stimulate consumption by cutting taxes. Then if we start to grow too fast, we can raise taxes in order to slow things down. If this theory worked, it would be a liberal's dream come true: A justification for big interventionist government.

It was Nobel-laureate economist Milton Friedman who first pointed out the problem with this type of policy: It only works if citizens are extremely shortsighted. Consider: If Uncle Sam gives you $1,000 today, but tells you that you will have to pay it back next year—with interest—how much will you change your behavior? If you're like most people, not very much. Keynesian theory would only work if you would slavishly increase spending by $1,000 today, and lower it by $1,000 tomorrow. Not very plausible.

Friedman's brilliant insight created an entire "school" of macroeconomics called the "new classical" school, which provides the intellectual foundation of today's conservative economics. The school, led by Nobel winner Robert Lucas, explored how much government policy can change things when consumers and firms form rational beliefs about the links between current and future government policies. The chief conclusion: Government has very little power to construct countercyclical policies of any type, because people will anticipate policy ups and downs and ignore them.

This does not mean all government policies are ineffective. On the contrary, if firms and individuals are rational and forward looking, high taxes can have enormous negative effects on the long-run health of the economy. But if you just jigger taxes up and down from year to year, hoping to manipulate the economy, you will fail. Taxes can set the level of activity around which the economy fluctuates, but they have very little effect on the fluctuations themselves.

The Bush tax cut is not Keynesian for one simple reason. Bush does *not* plan to raise tax rates as soon as the economy starts to boom again. Under the Bush plan, a taxpayer would pay lower taxes this year *and* again in the future. And if you give people more lifetime income, they consume more, beginning immediately. There is, then, no inconsistency in asserting both that Keynesian countercyclical policy is a fool's errand and that the Bush plan will stimulate the economy.

But will the Bush plan work? Will the stimulative effect come quickly enough to significantly change the chance of a recession? Probably not. Recessions generally last less than a year, and politicians generally take about that long to agree on a tax bill. But by cutting marginal tax rates today, the proposal provides an insurance policy against a protracted recession, and—since it will stimulate saving and capital formation—raises the long-run level of activity around which the economy will fluctuate.

—**Kevin Hassett** *is a resident scholar at the American Enterprise Institute.*

WARNING: LESS TV MAY BE GOOD FOR YOU

Surprise, surprise: If kids spend less time watching TV and cut back on video games, they act less obnoxiously. Or as the scientists put it, less "exposure to media" = "a reduction in aggressive behavior." In a study just published in the *Archives of Pediatrics & Adolescent Medicine*, Stanford professors suggest that you take the TV out of Junior's bedroom (over half of kids today have one there) and that you put your children on a TV budget of, say, seven hours a week. Seems kids they studied who had previously been watching 20 hours of TV and movie videos a week, as well as playing three more hours of video games, actually behaved better after they cut down on the boob tube.

Still, the journal cautioned, "the causes of aggressive behavior are complex." True enough. But this particular cause ain't.

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PHONY CAMPAIGN REFORM

The battle to "get money out of politics" often involves putting a lot of money *in* to politics, a new report from Foundation Watch reveals. Author Eric Williams explains that recent efforts at so-called campaign finance reform were "backed by wealthy individuals and foundations" who hoped to "silence the voice of American business in politics."

Most reform efforts aim at greater "public" (read: taxpayer) funding of political campaigns and seek to lessen or prohibit private funds for political causes. Ellen Miller of the group Public Campaign supports eliminating private contributions to candidates altogether and replacing them with "clean" public money, because that's "the reform that makes all other reform possible."

Yet while Public Campaign decries the influence of private funds in politics, it has accepted its fair share of unclean non-public money. Founded in 1997 with $9 million in grants from the Schumann Foundation, the MacArthur Foundation, and George Soros' Open Society Institute, Public Campaign received an additional $5 million from Schumann for a four-year "public education" campaign.

Another leading force in the campaign finance reform movement is the Proteus Fund. Proteus operates the Piper Fund (named for its motto, "He who pays the piper calls the tune"), which helped fund "reform" campaigns in 30 states in 1998 to a tune of nearly $3 million. Such largesse requires a great deal of money, but luckily Proteus has rich friends like the Schumann, Ford, and Carnegie foundations, the Open Society Institute, and the Tides Foundation.

In the 2000 elections, both Proteus and Public Campaign supported ballot measures in Missouri and Oregon that would have forced taxpayers to fund elections. Williams found that "clean money" advocates in Missouri spent just over $1.6 million on their campaign, with nearly $1 million coming from the aforementioned advocacy groups.

Even though the Oregon initiative's website, NoBigMoney.com, insisted their goal was to "help reduce the power of wealthy special-interest groups," most of their funding came from, well, wealthy special-interest groups, including $200,000 from Public Campaign and Proteus, and $25,000 from George Soros. Voters were not swayed by these well-financed campaigns. The Missouri initiative failed by 65 to 35 percent; the Oregon initiative, by 58 to 42 percent.

In sum, these "campaign finance reform" efforts prove how flawed such reform would be. First, they demonstrate that spending is *not* the sole factor in an election: Opponents of publicly financed campaigns were outspent three-to-one in Missouri, but still won at the voting booth.

Second, groups like the Proteus Fund and the Schumann Foundation have shown their hypocrisy. If those "paying the piper" really do "call the tune," then the tune of Proteus and Schumann is being called by rich elites, not the working folks that they supposedly care so much about.

Jonetta Rose Barras of Washington's City Paper *intercepted a copy of the following letter:*

District of Columbia Public Schools
Office of the General Counsel
Labor Management and Employee Relations

November 16, 2000

Dear Ms. [name withheld]:

On June 23, 2000, you were informed by letter that you would not receive an offer of employment with the District of Columbia Public Schools (DCPS) based on the results of your criminal background check. Based on your subsequent presentation of documentation that your 1984 charge for Uniformed Controlled Substance Act, Cannabis was no papered; that your 1984 charge for shoplifting was nolle prosequi; that your 1984 charge for assault with a dangerous weapon, razor was no papered; that your 1984 charge for destruction of government property was nolle prosequi; that your 1986 charge for assault with a deadly weapon was dismissed; that your 1987 charge for soliciting for prostitution was nolle prosequi; that your 1989 charge for assault with a dangerous weapon, razor was no papered; and that your 1992 Uniform Controlled Substance Act, possession with intent to distribute cocaine was dismissed. You are eligible for employment with DCPS.

If you have any questions or concerns, kindly contact Labor Management and Employee Relations at (202) 442-5373.

Sincerely,

Delores Hamilton
Acting Director of Human Resources

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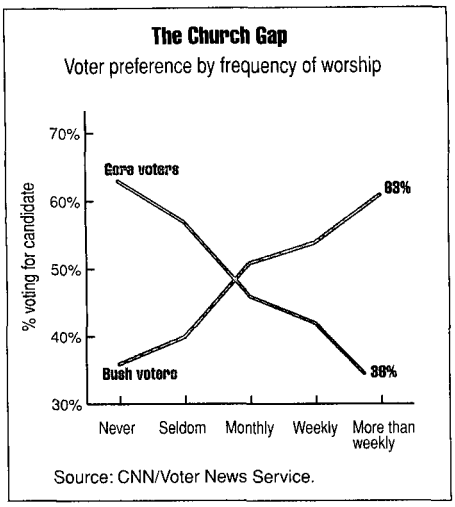

THE FINAL VOTE COUNTS

Though you wouldn't know it from watching network news or reading major newspapers, the notion that Al Gore "really won" in Florida is not holding up well.

First, the *Miami Herald* discovered that over 5,000 Florida felons, not legally allowed to vote, apparently did. And given that 75 percent of them were registered Democrats, Gore's vote count should probably have had thousands subtracted from it.

Then Florida newspapers began looking into "under-votes" (ballots for which the election machines registered no vote for President). Once again, a "real count" didn't discover evidence Gore should have won. The *Palm Beach Post*, for example, looked at all 10,600 Miami-Dade County under-votes, counting everything "from the faintest dimple to chads barely hanging on ballots" just as Team Gore wanted. But instead of finding 600 additional Democratic votes, as Gore had predicted, the *Post* count ended up with a net gain of 6 votes—for George W. Bush.

The *Naples Daily News* counted all the under-votes in Collier County, again using the dubious (and illegal) standard of "all dimples, pin pricks, chads, and other obvious ballot markings." They found that their pro-Bush county would have delivered a net increase of 226 votes for W.

As we go to press still more unofficial vote counts are planned, but we'll make an easy prediction: No one will ever find evidence that there was a remotely plausible way to count Florida's votes so that the legal winner actually lost.

HIT-AND-RUN JOURNALISM

Remember this joke? God breaks into the evening news and announces He's destroying the world tomorrow at noon. The next morning's headline in the *Washington Post*: "God Announces Intention to End the World; Women and Minorities to Suffer Most."

Don't laugh; editors and reporters for the *Post* and other national papers sometimes seem almost this goofy. Take a *Washington Post* headline not all that long ago: "Fatalities Higher for Latino Pedestrians." The story began with a harrowing incident that supposedly typifies a trend. When El Salvadoran immigrant Gladis Lazo and her five-year-old daughter tried to dash across a road to buy refried beans, they were struck by a car. Lazo was critically injured, her daughter killed.

Sadly, the *Post* recast this human horror in racial terms: The girl's death raised an already disturbing toll in the Washington region, where Hispanics are three times as likely as other residents to be struck and killed by a car. The *Post* wondered if immigrants were not accustomed to heavy traffic, victimized by a culture clash, or what.

Only at the very bottom of the 1,913-word story did the *Post* offer a politically incorrect explanation for the disparate numbers: alcohol. Government research found Hispanic victims were more likely than white victims to have elevated blood alcohol levels. Many Hispanic pedestrians, men especially, apparently put themselves at risk by drinking.

That doesn't make an appealing headline, or indict society. But it's more relevant than the suggestion that car bumpers discriminate.

RAP RIGHT

"Singer" Eminem raps about busting gay men's heads, and he wins Grammys. Attorney General nominee John Ashcroft admits that his religious beliefs don't sanction homosexuality, and he's a hatemonger. Obviously, George W. Bush's appointments have to learn to rap—that's the only way to shut up the Left. John! It's not too late! Here are your lyrics:

"If Falwell's a movie then I'm the sequel / I'll give you a replay of separate-but-equal / I be casting out cynics / blowin' up clinics / letting Microsoft go so they can crush Linux / I be looking away when a gun law is broken / I'll be happy when everyone's children are smokin' / They say God is love but my God ain't been fooled / Gays go to Hell. Unless they be homeschooled."

And so forth. If delivered over an appropriately infantile beat, these lyrics could have insulated Ashcroft from any objections.

Of course, he doesn't believe *any* of these idiocies. His enemies know he doesn't. But some of Ashcroft's Senate colleagues were perfectly willing to shiv him in the spine and wiggle the knife. California Democrat Barbara Boxer, in her best worried-mom voice, suggested that Ashcroft's confirmation would signal the end of Western civilization: "There are solid reasons to expect that the people of this country will not be protected and served as they exercise their civil rights, human rights, their right to choose, their right to be free of gun violence, and their right to a clean environment."

Let Democrats talk long enough, and they'll append a new right to the Constitution with every breath. A right to be free of gun violence? That's a new one.

"What I mean, honey, is after *us*, my first priority is the economy."

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Literally. Attention criminals: When a cop shoots you because you've just rammed his squad car, try out the Boxer Amendment as your new defense.

Now we must all live under the specter of inadequately enforced hate-crime laws. Why, murderers will just be tried for murder. Surely Lincoln's statue has its head in its hands by now.

Martin Luther King III weighed in as well, worrying Bush would "set civil rights back 30 years." Ah, yes...the chaos of 1971, when women and blacks were barred from voting or holding jobs...plutocrats rode around the nation in armored Winnebagos, shooting immigrants for sport... when Nixon had the floors of the White House strewn with bones so he could hear the crunch of his enemies underfoot as he trod down the halls...when gays were rounded up and sent to work camps—oh, sorry, that's Cuba, 2001.

You get the point: We're constantly in danger of toppling back into a horrible past. The slightest puff of a Republican President's breath can blow the entire culture back to 1854. The nation is incontrovertibly racist and sexist, and only liberalism can save us. What's that, a Hispanic woman has been nominated to a post in a Republican administration? *Destroy her!*

Senator Boxer also repeated the mantra du jour: Ashcroft is not "a healer." The nation is so cleaved by partisan divisions, it seems, that the attorney general is now expected to roam around Washington healing, mending, giving backrubs to the opposition party, etc. You'd think we just concluded the Civil War.

—**James Lileks** *writes for Newshouse News Service.*

2002 FORECAST: STORMY

While Republicans are deservedly jubilant about holding the White House, the Senate, and the House of Representatives for the first time in a half-century, their elation may be short-lived. A quick look at the political map for 2002 shows storm clouds ahead.

In the Senate, Republicans will be more vulnerable than Democrats in 2002 because they will have more seats at risk. Of the 33 Senate seats up two years from now, 20 are now held by Republicans, 14 by Democrats. And possible retirements further complicate matters for the GOP, since "open" seats without an incumbent are usually more competitive than seats with an incumbent. Senator Strom Thurmond, who came to the Senate in 1954, will almost certainly step aside, perhaps even before his term is up, and South Carolina's Democratic governor will likely appoint a Democrat to replace him. Another possible retirement is Senator Ted Stevens of Alaska, who came to the Senate in 1970. Jesse Helms, who joined the illustrious club in 1972, won with just 53 percent of the vote his last election. Seven other Republicans won by 54 percent or less, which indicates their vulnerability.

Retaining control of the House will be a challenge for the GOP, too, because the party out of power in the White House almost always gains House seats during midterm elections. The Republicans' margin is already narrow: 221 to 211. House watchers are also predicting a record number of retirements in 2002, in part because the redistricting process that occurs after a census throws many members into unfamiliar districts. In 1992—the last time district lines were redrawn—65 members of Congress retired and 43 were defeated. In addition, a number of Republicans are term limited. House races in 2002 will be a game of inches, not yards.

Governors usually don't run in presidential election years, preferring to insulate themselves from national trends; so there were only 11 such contests in 2000. In 2002, however, 24 states with Republican governors will have contests, compared to ten with Democratic ones.

Several analysts also believe the GOP is in trouble because of demographic trends that will improve Democratic prospects over time. They point to the aging of the baby boom population, the growing representation of Democratic-leaning Hispanics in the electorate, and the number of households headed by single parents, who likewise lean Democratic.

In 2000, voters 60 years of age or older voted narrowly for Gore, 51 to 47 percent. As baby boomers age, analysts argue, they will demand more services from government and be more inclined to support Democrats. Hispanics—slightly less than 5 percent of the electorate in 2000—voted for Gore over Bush by 67 to 31 percent, but their share of the population is growing. Should they remain disproportionately Democratic, it will be another problem for the GOP. Unmarried voters supported Gore over Bush by a wide margin, 57 to 39 percent, and their share of the population is not declining.

If the GOP hopes to survive 2002 intact, it must impress voters early and often over the next two years.

RATED R FOR RELATIVE DECLINE

CBS MarketWatch reports that last year the number of R-rated movies declined to 58 out of 147 films, compared to 87 out of 147 the year before. Two explanations, not necessarily exclusive, were cited by insiders. Producer John Davis (*The Firm, Grumpy Old Men*) blamed public pressure on filmmakers to clean up their act and on theaters to enforce restrictions on children's viewing: "That's Washington having an input." Chuck Viane of Disney cited simple economics: All the top-ten money-makers in history were rated G and PG.

So morals and markets both deserve credit—provided Hollywood will listen to either.

THE FOX FACTOR

Almost a million television viewers tune to the Fox News Channel just to see Bill O'Reilly on "The O'Reilly Factor." And for more than four months, *The O'Reilly Factor: The Good, the Bad, and the Completely Ridiculous in American Life* has been at the top of best-seller lists. *TAE's* John Meroney recently checked in with the hottest man in TV news:

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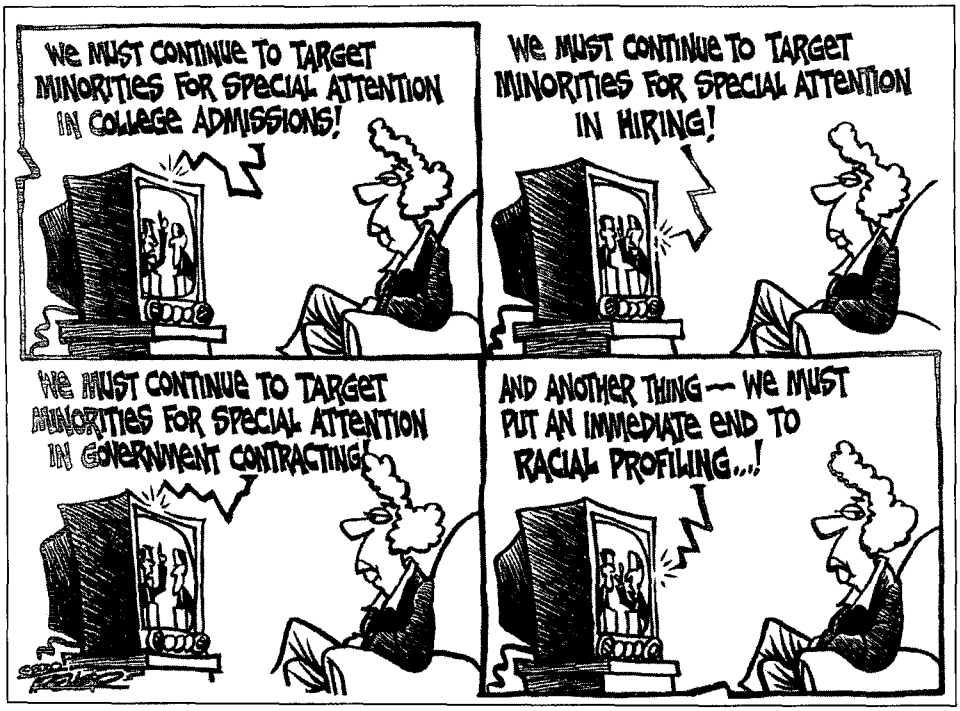

TAE: Fox News Channel's slogan is "fair and balanced." What does that mean on "The O'Reilly Factor"?

O'REILLY: I basically play devil's advocate. If I'm convinced somebody's argument is correct, I'll say it. As a news analyst, I have that latitude. But "fair and balanced" means if we're covering the Elián González story, we're going to give as much credibility to the family's side as to the side of the establishment. What happened to journalism over the last ten years is that journalists became the establishment. TV networks are the establishment; so they tilt toward that side. At Fox, when a story breaks, we try to tell all sides.

TAE: But you were one of the broadcasters most critical of the Clinton administration.

O'REILLY: Any broadcaster who wasn't critical of the Clinton administration wasn't doing his job. Even if the Clintons didn't break the law, they walked the ethical line all the time. Now that George W. Bush is President, if he does the same thing, I'm going to be all over him.

TAE: Are you a conservative?

O'REILLY: I'm independent. Look, I'm against the death penalty, and I also believe in big government intervention to protect the environment. I guess those two issues alone divorce me from the Right.

TAE: Now that the post-election mess is over, what's next on the O'Reilly radar screen?

O'REILLY: I'll always be interested in exposing this mentality among certain people in positions of power that says, "I'm above the law and don't have to be accountable the way average Americans do." For instance, I've been investigating Jesse Jackson's finances because he gets millions of dollars in government grants and donations, and no one knows where the money goes. He feels I have no right to ask him about that. In his mind, I guess I'm a racist if I do that. I'll tell you this, no one else could get away with what Jackson is getting away with. The IRS would put the rest of us in jail.

TAE: Why wasn't the public more outraged at President Clinton?

O'REILLY: Most of the public is so distracted by the daily struggle to get through life, they don't have time to read *The American Enterprise,* watch "The O'Reilly Factor," or read the *Wall Street Journal.* And even if they did have time, they probably wouldn't spend it that way. The collapse of education in this country has led to a population that's more interested in immediate gratification and titillation than they are in really paying attention to things that aren't inherently exciting. About 45 percent of eligible voters participate, and out of that, maybe half are informed to any degree at all.

TAE: During the presidential campaign, Fox News Channel broke many stories. For example, Fox first reported that a Bush campaign TV spot seemed to be using subliminal advertising by flashing "Rats" on the screen. But the rest of the media didn't run the story until it appeared in the *New York Times.*

O'REILLY: The establishment, whether it be the *Times,* ABC, or the *Washington Post,* fears Fox. They see a success in the making against all odds. And they see a totally different point of view outside the establishment. So the editors at the big papers and producers at the big networks aren't going to give us any publicity unless they really have to.

TAE: The *Times* described Fox News Channel as the "conservative cable channel." True?

O'REILLY: We're a channel that does more conservative stories than the others do because that's our niche. That audience isn't being served. But the people who work in the field at Fox aren't conservative. Sean Hannity is the only real hard-core right-winger on our staff. Brit Hume is conservative. I'm independent. Paula Zahn leans to the left. Alan Colmes is on the far left. And the rest of them are balanced off: For every Juan Williams, we have a Fred Barnes.

TAE: Last year, you repeatedly asked First Lady Hillary Rodham Clinton to appear as a guest. Now that she's a senator, you must want her more than ever.

O'REILLY: Look, there's no reason on earth why she shouldn't walk into my program, sit down for an hour, and talk to me. What am I going to do, slap her? If she's confident in her positions, she'll take me apart. One thing I wanted to ask her was whether she thought it was fair to use her power to run against Rick Lazio by selling the Lincoln Bedroom and Camp David for campaign cash, and then using Air Force One and Two to travel to New York on campaign trips.

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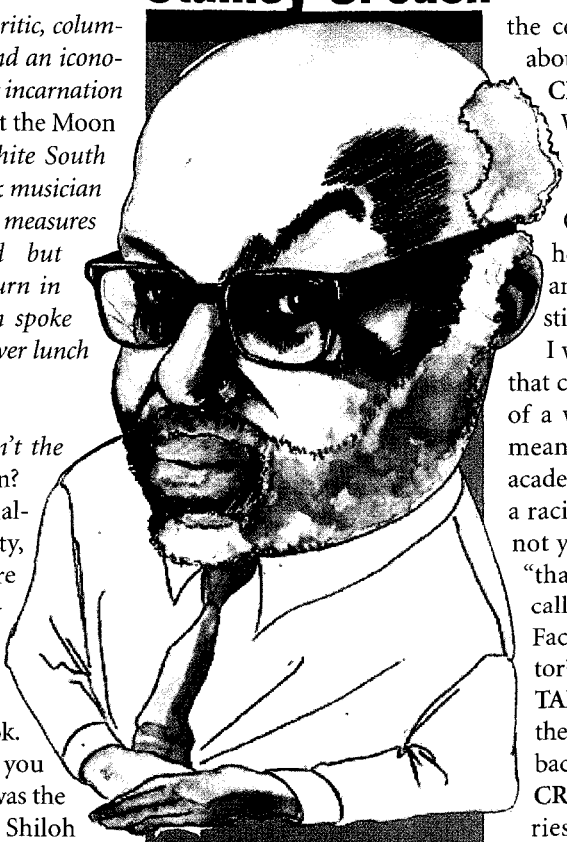
"Live" with TAE

A JAZZ CRITIC AND NOVELIST RIFFS ON POP CULTURE, POLITICS, AND SAVING AMERICA FROM NIHILISM AND P.C. STEREOTYPES.

Stanley Crouch



Stanley Crouch is a pugnacious jazz critic, columnist for the New York Daily News, *and an iconoclastic critic of Afrocentrism. His latest incarnation is as a novelist: his fiction debut,* Don't the Moon Look Lonesome?, *the story of a white South Dakota-born jazz singer and the black musician she loves, has been published to equal measures praise and damnation. Bloodied but unbowed, and fresh from his star turn in Ken Burns' PBS series* Jazz, *Crouch spoke with* TAE *senior editor Scott Walter over lunch at a Greenwich Village café.*

TAE: Why make the center of *Don't the Moon Look Lonesome?* a white woman?

CROUCH: Why not? I wanted a challenge. Your ethnic or sexual identity, what region of the country you're from, what your class is—those aspects of your identity are not the same as your aesthetic identity.

That's why Leontyne Price is referred to a couple of times in the book. She's from Laurel, Mississippi; if you heard her talk, you might think she was the lead singer in somebody's choir at Shiloh Baptist, but you wouldn't imagine that she would be able to sing Puccini. Your aesthetic identity may not fit with what somebody thinks is your biographical identity.

TAE: Have you ever been to South Dakota?

CROUCH: Actually, no.

TAE: What do you think about interracial romance?

CROUCH: My attitude is, if you can get along, since that's so hard for a man and a woman to do anyway, then you'd better run after it. With the divorce rate we have in the United States, staying inside your group doesn't guarantee that you are going to be happy.

TAE: You and trumpeter Wynton Marsalis, your collaborator at Lincoln Center, have been criticized for not appreciating white people's contributions to jazz. Yet you make a white jazz singer the center of your book. Were you thinking about that criticism?

CROUCH: I wasn't thinking about that at all. When you're artistic director of a program, you present the music you want to present. They've tried to tell [the Metropolitan Opera's] James Levine, who is Jewish, that he shouldn't present Wagner, who was an anti-Semite, but so what? The Ring Cycle is still the Ring Cycle.

I wanted to get to that aesthetic proposition that comes out of learning the human elements of a world, so that those notes and rhythms mean something to you besides just the academic way in which they fall in place. It's not a racial question; it's a question of whether or not you have in you what Sunny Murray calls "that untouchable factor." He had a band called Sunny Murray and the Untouchable Factor. I said, "What is the Untouchable Factor?" He said "Soul, baby."

TAE: Critics have complained that so much of the book is backward-looking: memory, flashbacks, and the rest. Why did you do that?

CROUCH: All of us are made up of the stories that we listen to, the ones we disagree with and the ones that we agree with. The model for the book is the *Odyssey*. She's the Wanderer as we see her going to these different places, but she's also Penelope, trying to defend the household.

TAE: A lot of academic critics would hear "Homer" and say, "That's all white man stuff. The idea that black kids are supposed to study that kind of thing is ridiculous; none of that has anything to do with black culture and is alien to it."

CROUCH: Obviously, I don't buy that. What I feel about that is the same thing I feel about what Carla is dealing with, when she's thinking about how important Peggy Lee was to her. Peggy Lee was from North Dakota and was the first white singer who really convinced her that you could be that far from blues-and-swing country and really get to it.

The intellectual sluggishness that most rappers represent is staggering.

Illustration by Lucinda S. Levine

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I was reading an article about that monster, Charles Taylor, in Liberia. Taylor escapes from prison in Massachusetts, goes to Libya, studies terrorist activities, learns all that from Qaddafi's people. And he comes and gets in an enormous civil war which wrecks the country: They don't have running water, they don't have electricity, he's stealing diamonds from Sierra Leone, and he's supporting the rebels there that are chopping people's hands off.

There's your West African update. Now what do you think of that? See, if you buy this whole Third World business, you can't reject him as being a puppet of the West because Qaddafi is the one who is buying him, right? All the people who want to be anti-West, they always take Qaddafi's side, as though they wouldn't mind being on one of those planes when it's blown up.

The point is, you have an ethnic heritage and you have a human heritage. Your human heritage includes everything of human value. So I don't think that black kids or white kids or any other kind of kids should only judge the significance of things by whether or not the people who put them together look like them.

TAE: Physical beauty is very important in the novel. Why?

CROUCH: That's what most people think about. I don't know any women who don't think about what they look like, and I don't know any men who don't think about what women look like. Whether or not everybody ends up with somebody who looks the way they want them to look is another story.

TAE: You're a friend of Albert Gore's, aren't you? What do you think of his post-election behavior?

CROUCH: I was invited to some dinners that he had a few years ago. The guy that I saw at those three or four dinners, I only saw little bits of him in the second debate. The other guys, I didn't know them. They seemed to be people that somebody told him he should be.

TAE: Gore's friends in the press often say he's more engaging in private than in public. Is that true?

CROUCH: Very much so. Very witty, extremely intelligent guy. I think he's like most people; he's just not a good actor. One of the characters in my next novel is very vivacious and bright, but she turns into wood the moment they say, "Lights, camera, action!" She suddenly becomes this statue that can't emote. Gore's like that.

TAE: What do you make of George W. Bush's appointments of Colin Powell and Condoleezza Rice to much higher level cabinet positions than blacks have occupied in the past? They usually get shunted off to backwaters like HUD.

America needs a renaissance. We need to go forward by going backward. Drama, for instance, has been replaced with violence.

CROUCH: Ron Brown wasn't. Secretary of Labor Alexis Herman—I don't know if we can call that a backwater job.

TAE: But in Powell's case, Secretary of State is the highest cabinet position.

CROUCH: That's good, but I don't think that's the most important thing Bush can do. He got less than 10 percent of the black vote nationwide, and the Republican Party cannot afford to let that mass go by. If I were Bush, I would move very aggressively the first year or two on issues that the Democrats could not fight me on.

The KIPP Academy up here in the Bronx, which is one of the most revolutionarily successful public schools, is run like a private school. It took these kids by lottery regardless of what their grade levels were, and elevated them far above the national average in reading, math, and science. If I were Bush, I would use their model.

This black woman who works in a technology awareness group that's trying to get black families more engaged in understanding information technology told me, "The most important thing is to teach math and science one way from coast to coast. If the kid in Portland, Maine, is studying out of the same textbook as somebody in Portland, Oregon, then those kids will have essentially the same basic body of knowledge."

If I were Bush, I'd follow that to the extreme. I'd have a governor's conference and pick the best science and math books. Standardize: The Democrats can't go against that.

TAE: Is it good or bad for New York City that Giuliani was mayor?

CROUCH: Oh, very good. Giuliani's problem is that he is not a good actor. He's not like Clinton.

But he took care of a lot of business. The economy is up because of him; tourism is up because of him, because people became less afraid to come to New York City. Everybody in New York knows it's a far safer city than it was before.

But I don't think he was able to get a good grip on the problem in the public schools, and I don't think he found a way to create a black constituency for himself. He was blindsided by some things, like police scandals involving Amadou Diallo and Abner Louima. And then the press never made much of the fact that the cops did *not* say "This is Giuliani time" [during the assault on Louima], which is what created this attention.

But overall, I think he was great.

TAE: A former girlfriend of yours said, "I know it sounds extreme, but Stanley really does believe rap and rock and roll are the devil."

CROUCH: That was a bit extreme on her part.

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When people conclude that all is futile, then the absurd becomes the norm. That's the fundamental message of the Marilyn Mansons: He just looks like an idiot.

Under popular culture's obsession with a naive inclusion, everything is O.K. One person is eating steak and another is eating baby feces. "He likes it" is not a good enough explanation for me. After a while it's heterosexual sex, it's homosexual sex, then it's sex with minors, then it's sex with children, then it's sex with infants. Because somebody likes it. And who's to say that your emotion is better than his or hers?

I was looking at this guy Snoop Dogg on MTV; the level of intellectual sluggishness that this man represents, and most of these rappers represent, is staggering to me. These people are so inarticulate, what they're saying is so pedestrian, their interests are so narrow, and their sense of style is so simple-minded—you have that peasant vulgarity that has nothing to do with class.

Louis Armstrong, who learned to be in exquisite dress, came from the bottom, and he's not a trash can. There's this obsession with the bottom being the best. So that's why, to get to the top, they want to act like they're at the bottom.

TAE: What's the difference between a kid who grows up admiring Duke Ellington and a kid who grows up wanting to pattern himself after Snoop Dogg?

CROUCH: What can Snoop Dogg do? He can't sing. He can't write. His ideas are so pedestrian. If there's an intellectual highway, there's also an intellectual subway. The only difference between an intellectual subway and the real subway is that the real subway actually goes faster than the cars on the street. In the intellectual subway, not only is it below ground, it actually moves far slower. So we're talking about somebody who's intellectually moving at the pace of a worm moving in very hard soil and somebody who's in a Lamborghini. That's the difference between Duke Ellington and Snoop Dogg.

Rap actually comes out of punk rock, not black music. It's not really connected to James Brown, Aretha Franklin, Little Richard, the Supremes.

TAE: You've written with great passion about the movies. Do you think the cinematic Negro is finally becoming a rounded and complex figure?

CROUCH: We're getting there. Denzel Washington gives us a thousand complex characters. That moment in *Philadelphia* when the Tom Hanks character was telling him the meaning of this *opera, and he* actually saw this guy was a human being—a black actor very rarely gets that kind of a moment on film. That's a hell of a moment for American movies.

TAE: You're in the middle of a book on Charlie Parker. What about Clint Eastwood's movie *Bird*?

CROUCH: No good. He made Charles Parker into a child. That's not the Charlie Parker I recall.

TAE: Political correctness says you can't have black criminals in movies. Do you think that's a problem?

CROUCH: No. I mean, one of the best movies was *Menace II Society*. See, there's something in many of us that is attracted to the person who can't wait, the guy who terrifies everybody in the line at the bank and says, "I'm going next." Like that moment in *Public Enemy* when Jean Harlow says to James Cagney, "What I like about you, Tommy, is that you take what you want."

The biggest problem we have today is that kids are not inspired by popular culture. Popular culture tells you that schools and parents don't know what's going on, the police are dogs, politicians are all liars and scum, and any crime that's not committed by the Mafia is done by the CIA.

TAE: Rap music had something to do with why you ceased to be jazz critic at the *Village Voice*.

CROUCH: You mean when I got in that fight with Harry Allen? Yeah, man. Unfortunately, I'm not a person that's always capable of living up to the Boy Scout philosophy. There is something in me that underlines the title of one of Ralph Ellison's short stories, *It Always Breaks Out*. Since I'll be 55 this week, I'm hoping that it ceases to break out.

TAE: Author Albert Murray said that he and you and Wynton Marsalis were "just a bunch of Negroes trying to save America." Save it from what?

CROUCH: Save it from the s**t that it's in right now. Just like if you deal with a drug addict or alcoholic, sometimes you have to remind the person of who he or she was before.

What we need in America is a renaissance. We need to go forward by going backward. I don't mean that we have to throw technology out the window or the social achievements made by people of various skin tones, both sexes, different sexual persuasions, etc. But under the decadent sway now, drama, for instance, has been replaced with violence. If you can't figure out a way to create a dramatic moment of human revelation, just blow somebody's head off. Have a big car chase with an enormous explosion. All of those things are replacements for drama based upon the humanity of the characters.

If you're looking at late-night cable television, between 22 and 35 minutes into the movie there's the same sex scene. If it's another kind of movie, every 12 to 15 minutes there's some kind of a fight.

Under popular culture's obsession with a naive inclusion, everything is O.K.: One person eats steak, another baby feces. But "He likes it" is not a good enough explanation.

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Those things are a package. That's not a story. It's a set of tricks to keep the audience's eyes open.

The reduction of people to props used to execute these contrived plots as opposed to actors used to realize the human meanings inside of the tales is just part of where we are now. So is the reduction of females to moving erotic parts in so many rap videos and videos, period. The acceptance by women that they should be borderline hoochies. The idea that black kids have, which is parallel to these women accepting the whoredom that is passed down to them from Madonna, that being an ignorant, illiterate, D student is being a real black person.

Everybody has to be reminded that there's another way to be. Another more mysterious, unpredictable way to be that's not necessarily based upon contrivances.

See, some people are going to dislike me, but I don't care. One of my greatest disappointments was that Ralph Ellison died before this book came out, because he would have liked this. I was trying to sum up the things that have always impressed me in good books, and trying to bring my own personality to them. I also wanted to do something that I hadn't really seen in almost any black novels, which was a complex love story in which both people were extremely intelligent and talented and understood a lot of things and were still at odds getting it together.

One woman said to me, "The reason your novel was attacked is because it shakes up the categories. It's not a black novel, and it's not a conventional American novel."

TAE: Your mother is another big influence on you. She was a domestic worker, but you've written about her as an "aristocrat." What do you mean by that?

CROUCH: She had all of the elegant aristocratic qualities that one associates with people outside of her class. But all through my life I've found people who aren't imprisoned by their class. I've met people at the top who can hang out with the plumbers and be just one of those people. I've met people at the bottom who could deal with people at the top.

Throughout my life, I have met so many people who are like those guys that Ralph Ellison interviewed for the Federal Writers Project. These guys are in Harlem arguing about who is a better opera singer, and Ellison is trying to figure out how these guys learned about opera. By standing up holding spears in *Aïda*?

Had he not heard that argument, the last place he would have expected to hear a serious debate about the quality of somebody singing *Aïda* would be in this building in Harlem—the point being that you can never assume what people you meet know. In America, we have to learn to be patient enough to figure out what somebody is saying. Somebody might actually *be* saying something.

Parallel to women accepting the whoredom passed down to them from Madonna, black kids think being an ignorant, illiterate, D student is being a real black person.

Our democratic richness arrives when we're able to comprehend our collective humanity accurately. If you and I are sitting here talking with some guy from Shanghai, and he says, "I had a very incompetent teacher when I was 12 years old," you're going to think back to some incompetent teacher you had when you were 12. I'm going to think about one. It's not going to be the same person, but it is going to be the same kind of person. That's how we're going to relate to what this guy is saying. And odds on, we're going to be absolutely correct. We won't get the details unless he gives them to us, but that whole idea of incompetence is something we understand through our own experience.

The thing that makes America what it is—so vast and so layered in all of those responses and cultural variations. It's the best human dictionary that I know of. So if you try to go the American distance, then you also have to break another law that goes on in American fiction today, which I call the de facto segregation of American fiction. "Don't go across the street. Don't climb the fence. Don't stop at that roadside cafe. Don't try to stay in that hotel. Here are the places you can go to in this town, and stick to those. Because if you go over there, who's to say what might happen?"

So you can have a book like *In the Beauty of the Lilies* by John Updike. I assumed that someone was going to notice that two writers, one who is extremely well known and another who is fairly well known, which is me, had both chosen to write novels in which the main character was from a different color group. See, I was expecting that essay to appear. Philip Roth said, "I'll bet you a dinner in the best restaurant in New York that that does not happen." I said, "You must be joking." He said "No. These people are not concerned about that kind of thing. You're raising a literary issue: that two writers would try to go beyond their ethnic background to see if they could bring a live character to the page. That's the kind of issue these people have no interest in today at all."

As it turned out, he won.

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Forward Observer

James Glassman

Reform the Electoral College, Don't Toss It

The five-week post-election contest between Al Gore and George W. Bush has utterly de-mystified the Electoral College in the minds of Americans. Most of them tell pollsters they want to get rid of it.

So do lots of politicians, including Hillary Rodham Clinton, the most famous Senator-elect, who announced that she would sponsor legislation "to do away with the Electoral College and move to the popular election of our Presidents." Senator Arlen Specter (R-Penn.) concurred.

Both Senators later admitted that passing a constitutional amendment to switch to a popular vote was a long shot. The reason, of course, is that the Electoral College gives disproportionate power to small states—that was one of the main reasons the Framers invented it—making those states unlikely ratifiers of any amendment.

It is true we don't elect our President by direct democracy, but that's precisely the point. The Constitution is a blueprint for protecting citizens, either as individuals or as members of minority groups, from the passions of majority rule. In fact, until 1832, Electors were chosen almost exclusively by state legislators. The Framers wanted a system that preserved federalism. They considered giving each state an equal vote, then compromised. In the Electoral College, a state has an Elector per congressional district plus an Elector for each of its two Senators.

The Electoral College has three practical effects. First, candidates have to pay attention to smaller states, as both Gore and Bush did this year, battling over the five votes of West Virginia and even Delaware's three. Second, the system usually magnifies small differences in popular votes, providing the winner with a more substantial mandate. For example, in 1960, John F. Kennedy beat Richard Nixon by just a few tenths of a percentage point in the popular vote but won, 303-219, in the Electoral College.

Third, the Electoral College nearly eliminates the power of third parties and regional candidates. In the vast majority of elections, *someone* wins a majority. Rarely is a second round, with corrupt deal-making (as in 1824), required in the House of Representatives.

Still, the system has drawbacks. While candidates often pay great attention to smaller states, they sometimes completely ignore larger ones. In 2000, for instance, New York was written off by the GOP from the start, as was Texas by the Democrats. In a state like Massachusetts, which almost always goes Democratic, dispirited Republicans believe their votes never count; ditto, Democrats in Wyoming. Finally, as we saw in Florida, an excruciatingly tight race within a state can hold a bundle of electoral votes in the balance.

But there *is* a practical way to improve the system, and it doesn't require amending the Constitution. States, which have broad powers in choosing their Electors, could change their state election statutes and adopt the system used in Maine since 1972 and in Nebraska since 1992: Each state gives one electoral vote to the candidate who wins the most votes within each congressional district, and the state's other two electoral votes go to the candidate with the most votes statewide.

This year, both of Maine's congressional districts went to Gore, all three of Nebraska's went to Bush. But imagine the consequences of such a system for other states. In Virginia, for example, Democrats have strength in the D.C. suburbs and in the urban areas of Norfolk and Richmond. Bush swept the state easily, winning all 13 electoral votes, as has every Republican since 1968. But under proportional voting, Gore would have taken three congressional districts—and thus three electoral votes. So Bush's margin (with the two Senate votes) would have been 10-3. Meanwhile, in Maryland, all of whose 10 votes went to Gore this time, a proportional system would have given two votes to Bush.

Which party would gain with this reform? It's hard to say. Republicans would be able to take seats in New York and Florida, while Democrats would score in states where they are now shut out, such as Georgia and Colorado. Key industrial states, such as Illinois, Ohio, and Pennsylvania, which are usually close, would award some of their votes to each candidate, which seems more fair.

A month after the election, *USA Today* analyzed the 2000 vote as though every state were using the Maine-Nebraska system. The final margin: Bush 271, Gore 267—the exact finish under the current scheme. That's a freak; in most cases, results would differ.

Since the election, bills have been introduced in the legislatures of Texas, California, and Indiana to change to proportional voting. It's a good idea. The campaign will be broader, more voters will feel they were recognized, and the risk of dozens of electoral votes hanging on a single county will be eliminated.

The two-party system will still dominate, even though it will be slightly easier for smaller parties to win a few electoral votes by concentrating on individual districts. Federalism—at least in presidential elections—will survive, and the Electoral College will keep providing its mystical benediction on each President.

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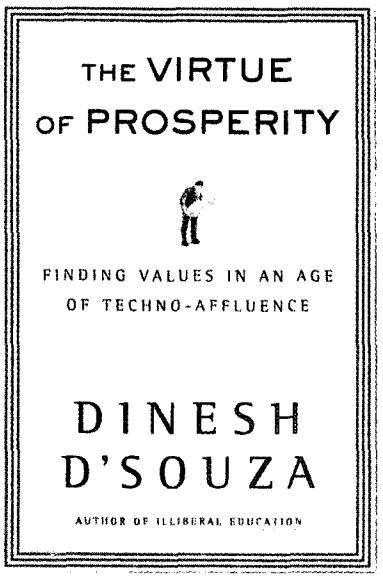

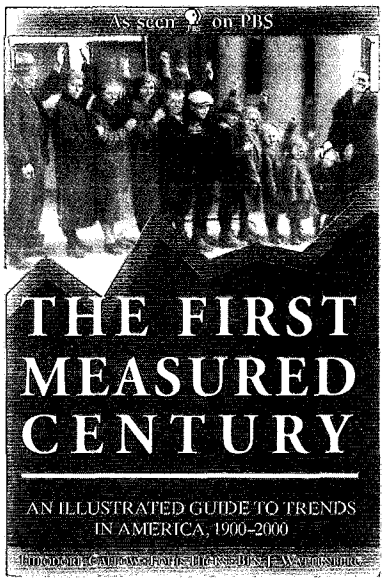

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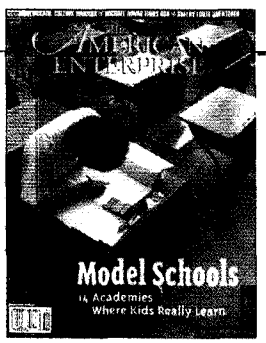

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By Eli Lehrer

The police behind America's biggest crime drop

Since Edward F. Davis III took the reins of its police department six years ago, crime in Lowell, Massachusetts, has fallen by well over 50 percent. Between 1994 and '99, Lowell reduced crime more quickly than any other American city with over 100,000 residents.

In the early 1990s, the milltown-turned-high-tech-center regularly competed for the dubious distinction of having New England's most dangerous streets. Today only a handful of cities over 100,000—all of them wealthy and ethnically homogenous—provide safer streets than Lowell.

Lowell has experienced some luck, and used federal grants and other outside resources, but most of its success can be credited to dramatic reforms at Lowell's police department. Superintendent Davis's innovations in technology, public relations, officer training, and accountability have transformed a reviled and ineffective department into one of America's best.

When Ed Davis commanded the Lowell Vice and Narcotics Squad during the late 1980s, it outdid itself every year. Only Boston's vastly larger force managed to seize more narcotics than Lowell's undermanned unit. Through vigorous prosecutions in federal and state court—Lowell was the only Massachusetts city besides Boston to pursue federal drug charges regularly—Davis's team sent dozens of drug kingpins away for long sentences.

But getting tough failed to reduce crime. "We would put out 30 people on the sidewalk in plain clothes to make drug buys, and people would drive by and see how disorderly everything was and get scared," says Davis. "We weren't doing any good; the problem got a little worse every year." Davis also observed that persistent disorder itself could cause crime. Reading scholars like George Kelling and Mary Ann Wycoff, he decided that effective police departments needed to attack crime *before* it became serious. So he decided to innovate.

Despite giving lip service to so-called "proactive" policing, most of America's law enforcement departments still cling to a model that assumes police can do little to reduce crime, and so must focus on responding to emergency calls quickly and making lots of arrests. When serious problems like carjacking and narcotics trafficking emerge, departments move their best officers onto *ad hoc* teams. Neighborhood patrol gets de-emphasized, although it still employs the largest number of officers. Crackdowns on quality-of-life offensives like graffiti, aggressive panhandling, and small-time narcotics sales take a back seat to efforts against "serious" crimes. To prevent corruption, police officers receive little formal encouragement to take part in the communities they patrol. Following this pattern, arrests-per-officer, offense "clearance" rates, narcotics seizures, and response times can all move in the "right" direction, even as crime rates track an upward course.

While it operated in this common fashion, Lowell's police force kept its doors closed to the community. "Some officer would want to tell me something, and I would do everything I could to get to know him, but if he did, it would be a risk to his career," says Patrick Cook, who covered the police department for the *Lowell Sun* through most of the 1980s. "Writing even a positive story was like pulling teeth." Department commanders often threw Cook out of police headquarters.

Cook, who covered Davis's vice-squad exploits during the 1980s and early 1990s for the newspaper, later joined the department. As Davis's communications chief, he has opened up the force on an unprecedented scale; even strategy meetings sometimes include members of the public. And the flow of observers runs both ways: Just about every major community meeting draws a few police officers.

"The first time we showed up they might have been a little suspicious. But then it gets to the point where we get to know people and it really helps," says Christine Cole, the department's community liaison and one of Davis's closest advisors. "The first year we participated in [a yearly Cambodian Water Festival] they called us

TAE *contributing writer Eli Lehrer is a Bradley Fellow at the Heritage Foundation.*

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right before and we did the best we could. Now we're at the table at just about every step of the planning process." Cambodians—who make up 25 to 30 percent of Lowell's population—started arriving in large numbers in the 1980s.

"We came from a place where the police and government were oppressive, and nobody wanted anything to do with the police," says Sam Khann Khoen, executive director of the Cambodian Mutual Assistance Association. But in recent years Khoen has seen an enormous improvement in nearly every area of police-community relations.

A few sore spots remain. Despite vigorous recruiting efforts, for instance, Lowell has only six Khmer-speaking police officers. The department does its best: Lowell officers carry bilingual business cards, and forms come in both Khmer and English. "The police leadership is really committed to working with us," Khoen says.

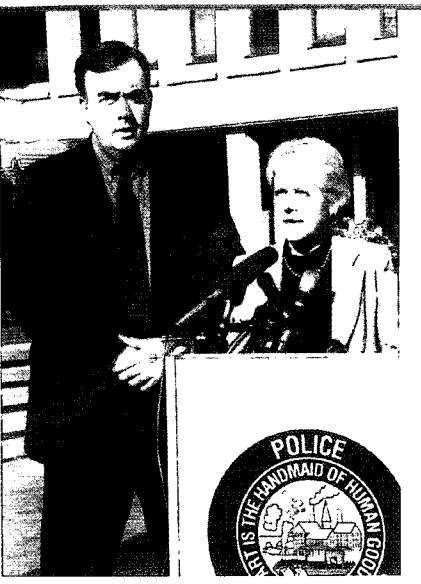
Media relations have also improved. As the department changed the way it did business, a stream of crime problems and police corruption scandals gave way to pictures of police officers playing basketball with children. The department remains open about bad news: One top administrator interrupted an interview with me to update a reporter on an officer's recent suspension. "We can't expect them to write the good stuff if we aren't honest with them about something we might not be proud of," explains Cook.

Positive feelings about the department run so strong that the business community recently pitched in to buy $200,000 worth of police equipment the city couldn't pay for. In the early 1990s, by contrast, downtown merchants came within weeks of hiring a private security firm to supplement the ineffective police force.

In the city's neighborhoods, the police have entirely changed their image. In Back Central, a working-class enclave near Lowell's downtown, a modest renaissance has begun as crime rates have declined. Residents have brightened streetscapes, transformed vacant lots into much-needed parking space, and begun working on a wide spectrum of new activities for youth. "We had a tremendous amount of street activity in drugs and prostitution, and those were major contributors to the serious decline of the neighborhood," says community leader Barbra Palermo. "The police presence—having people on the street every day, and having them know the community—let us come together as a neighborhood and do something about our problems."

Three major departmental reorganizations have transpired since Davis took the reins. Much of the new flexibility and effectiveness of the police stems from the Chief's ability to remold his force. The department had about 160 sworn officers when Davis took over; it now employs about 260, and thanks to early retirement packages and normal attrition, well over half of the force has joined since the mid-1990s.

Nearly all these new hires went through a training program in Lowell's new police academy. The curriculum, which Lowell's commanders developed, dropped technical topics like investigation and fingerprinting in favor of increased emphasis on community policing, physical fitness, and constitutional law. "It's still a tactical orientation. We want to make sure the people we train know how to fight



Edward Davis, left, police chief of Lowell, Massachusetts, where crime has fallen 55 percent over the last five years—faster than any other city in the nation.

crime," says Ken Lavalee, the Deputy Superintendent who has led many of the department's reform efforts. "An officer doesn't have to know how to run some obscure piece of equipment that he's probably never going to see anyway. But he should know how to take good care of himself and watch out for the community."

Police departments in the Lowell suburbs of Chelmsford and Methuen are sending many officers to Lowell's academy and imitating some of the city's organizational reforms. They have seen reductions in crime nearly as large as Lowell's—particularly impressive given that they already had much lower crime rates. Lowell's crime reductions have not been achieved by simply pushing illegal activity into some other area. Crime rates have fallen in nearly every nearby town. "The academy is fantastic," says Methuen Police Chief Bruce MacDougall. "The people we're getting out of there are really putting a new face on the force. These newer officers are just a lot more willing to take their gloves off and work with people."

Another way Lowell brought its force closer to the community was by chopping the department into three nearly autonomous sections. "It's almost like I'm the police chief of my own little city," says Robert DeMoura, one sector commander. "I've got to take care of things quickly." Like two other commanders, DeMoura has his own storefront precincts, patrol officers, and even detectives. Nearly all of these officers interact with the community on a regular basis by doing everything from coaching sports teams to helping with battered women's shelters. Unlike other departments, where walking and bicycle patrols have served to build corps of "officer friendlies" (who sometimes don't even make arrests for fear of harming community relations), Lowell sends nearly every officer to take emergency calls.

Like most departments, Lowell experimented with special teams of community police officers who rarely handled radio calls, focusing instead on solving community problems and building relationships with citizens' groups. At one point 46 percent of the force—a majority of officers assigned to street duty—worked as community police officers. On paper, the results looked good: Crime dropped quickly as more officers moved into storefront precincts. A Harvard University-Urban Institute study raved.

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In most cities, padlocking a drug house takes weeks. In Lowell, it often happens the same day police receive a complaint.

Internally, however, the massive shift threatened to destroy the department. "You can't have officers smiling and handing out Popsicles when there's a crack house next door," says Davis. "Everyone has to answer calls, and now everyone does." Today, except for a few detectives investigating major crimes, a small administrative staff, and a tiny vice squad—Davis says he needs it as a liaison to other police departments—just about all of Lowell's officers serve as patrolmen, sector-assigned detectives, or patrol supervisors. Administrative functions like answering telephones and keeping crime statistics are now assigned to civilians. Police officers need to interact with the public if they hope to rise in the department.

As a result, Lowell puts vastly more officers on the street. In most cities, padlocking a drug house takes several weeks of work and often requires neighborhood officers to call in a special squad. In Lowell it often happens the same day police receive a complaint from neighbors. While I was visiting, DeMoura cut a conversation short to meet with a sergeant in a grocery store parking lot. "I want something done about the house on [street] today. They're selling all sorts of stuff out of there," he told his subordinate. "We got a complaint from the neighbors, and we need to show them action." Later that day, officers moved in on the suspected drug house. "If you put everyone on special teams, then you can never have enough people," says Davis. "Every department in the country says that patrol is their backbone. But then, whenever there's a problem, they go against that. The chief will pick up the phone and call some special unit."

The heavy patrol orientation doesn't only help with big problems; putting more officers on walking beats has also reduced small disorders. Much to the chagrin of radical civil libertarians, Lowell's new community police officers have cracked down on the little offenses that create an environment where criminals figure—correctly—anything goes. "There's still a lot of progress to be made in making sure we really treat disorder seriously," admits Davis. Still, the department has persuaded officers to perform many unglamorous, order-maintenance tasks. A traffic offense crackdown last spring, for example, yielded a 10 percent reduction in accidents, even though patrol officers groused about having to write so many tickets. In other departments, resistance from the rank-and-file might have led to a backing off.

One way of mitigating the tension that often comes from a toughening stance on petty disorders is to have officers walk beats. In Lowell, foot patrols have proven popular with residents and officers alike. Advocates for the poor love them. "Having an officer walking by gives us a different take on things," says Mark Cote, director of the Middlesex Street Shelter downtown. "We had the normal problems with stealing and break-ins, but the real problem was the prostitutes and the drug dealers just hanging out across the street. When they put an officer on a beat here, it made a big difference."

The Lowell Police Department has a better command of local crime statistics than just about any other department in the country. Like New York City, Lowell holds bi-weekly Compstat (COMPare STATistics) meetings where police brass question sector commanders on problems and flare-ups. While many cities using Compstat only call meetings when a particular sector needs attention, Lowell's commanders all have to present their statistics every two weeks. They can expect a barrage of questions about any increases in crime.

Lowell's version of Compstat improves other efforts by including statistics on offenders as well as crimes. At Compstat meetings, Gary McGee, the chief probation officer, offers more questions and comments than anyone except Davis himself. "We've taken the whole thing to a new level," says McGee. "If there's a kid who is having trouble, the police know that I'm going to be visiting his house. I can go to a house with a policeman and really enforce the curfew; it's a system that actually works. And they know that we know where they live."

Despite its solid record of innovation, the Lowell Police Department still fights a few bugbears. Morale amongst rank-and-file officers has suffered ever since six officers, including the then union president, faced disciplinary action for allegedly sexually harassing a colleague during a union-sponsored bus trip. Although department brass rave about the efficiency gains from moving officers from the headquarters to the street, the department's increased civilian administration bothers some officers.

While other cities have a lot to learn from Lowell, the city's amazing crime reductions happened partly because the department entered the Davis era with insufficient resources. The department had a ratio of about 1.5 officers per 1,000 citizens when Davis took over, one of the lowest in any sizeable city east of the Mississippi. With the help initially of federal and state grants, Davis managed to increase the department to a normal East Coast ratio of a little more than 2.5 officers per 1,000 citizens. Civilian employment has also swelled. Lowell's success, however, does not stem from exceptional resources. "We couldn't have done it without serious reforms," says Davis.

Today, the city has no problem funding increased policing out of its own tax revenues, because falling crime rates have helped usher in an economic boom. In 1993, Lowell's quasi-public economic development agency identified crime as the major factor keeping business out of the city. As crime became a non-issue, commerce took off. For the first time in a generation, builders are putting up market-rate housing in Lowell's once-desolate downtown. Meanwhile, a large office complex that sold for $525,000 in 1993 fetched more than $100 million in 1998.

Chief Davis still has a long list of unmet goals, and he's still striving to make Lowell America's safest city. He's mum about whether he'd consider moving to a bigger department. "If I did," he says, "it would have to be a department that's in crisis. If you don't have that, it's really hard to create change."

With police departments in cities like New York and Los Angeles suddenly facing public hostility even amidst falling crime rates, someone may want to call Lowell.

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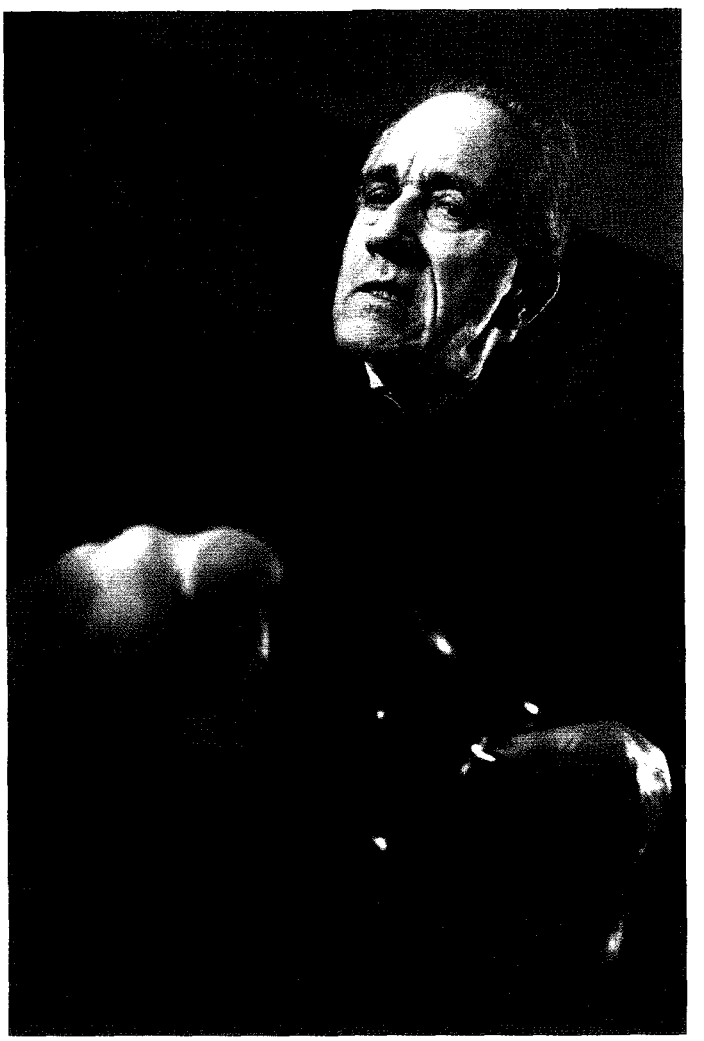
By Mark S. Pulliam

The lawyers' war on law

It didn't end with Florida

Now that the 2000 presidential contest is finally over, let's try to figure out how we reached the point where national elections are determined by a cadre of lawyers and judges. And more importantly, how we can restore the rule of law not only in elections but in all of American life.



For five long weeks after the election was—or should have been—concluded, the country was paralyzed by a flood of lawsuits challenging George W. Bush's narrow victory in Florida. As teams of lawyers raced from one courtroom to another, the presidency was up in the air.

Then, following a unanimous remand from the U.S. Supreme Court, plus Judge Sanders Sauls' rejection of Gore's election contest, and unambiguous rulings from two circuit courts on the absentee ballot challenges in Seminole and Martin counties, the whole affair seemed on the brink of resolution.

Those hopes were dashed on December 8, when a sharply divided Florida Supreme Court plunged the country further into confusion by a wholesale re-writing of the Florida election laws and an order to selectively hand count certain ballots, with no uniform standard on whether "dimpled chads" should be counted as votes. Fortunately, the U.S. Supreme Court ended the crisis when it stayed the recount on the next day, and issued its ruling in *Bush v. Gore* on December 12.

Several grim lessons emerge from this affair. First, it was a very close call. Al Gore and his lawyers almost succeeded in overturning the results of a presidential election, even though he had no case. The irreducible fact is that Bush received more votes than Gore in Florida, even including felons and excluding many military absentee ballots. The only chance Gore ever had was to convince a Democrat-controlled county canvassing board or court to count non-votes (that is, dimpled chads) as Gore votes. And he nearly got away with it.

How close was it? *Bush v. Gore* was decided by a 7-2 vote, but the U.S. Supremes split 5-4 on the remedy. The switch of a single vote would have sent the recount back to the Florida Supreme Court, which would have gone to any length to rule in favor of Gore. Legal journalist Stuart Taylor (who "has never voted for a Republican" for President) accused the Florida high court of "trying to reverse the outcome of a presidential election by rewriting the vote-counting rules." Given another opportunity,

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In the past, law was imbued with morality, and justice was conceived as a pursuit of truth. Not anymore.

the Florida Supreme Court might have succeeded. So Bush's election victory in Florida, as determined by the initial count, a mandatory machine recount, and a subsequent manual recount, was ultimately upheld by a single judge.

Why do I say Gore had no case? Consider the admissions made by Gore's legal team in the U.S. Supreme Court: The counsel for Florida's Attorney General conceded that a manual recount had *never* previously been ordered in a Florida election solely because some voters allegedly failed to punch the ballot card cleanly, as directed in the written instructions. Voter error, in other words, had never been recognized as a ground for an election contest—until this case. Even more damning, Gore's counsel had to concede, in response to a question by Justice Kennedy, that the Florida legislature would have violated the federal safe harbor statute if, after the election, it had extended the deadline for the secretary of state to certify election results—as the Florida Supreme Court did.

If you wonder how a litigant can win a lawsuit without any supporting facts or law, as Al Gore almost did, you haven't been paying attention to what's been happening in our justice system over the past few decades. Like a juggernaut, trial lawyers have cut a swath through corporate America, plundering and sometimes destroying entire industries, such as the asbestos industry, silicone producers, breast-implant makers, pharmaceutical companies, the tobacco industry, gun manufacturers, and soon HMOs, tire manufacturers, and the lead paint industry. These lawsuits succeed without credible proof of injury or causation—"junk science" experts, paid by the hour, provide whatever pretext a jury requires—because of a combination of judge-made liability rules that tilt the playing field in favor of plaintiffs' gripes, trial judges determined to redistribute wealth, and the brute force of endless dishonest lawsuits that seek unlimited, bankruptcy-threatening damages. Many businesses, having lost faith in courts' ability or willingness to make rational rulings, routinely pay the equivalent of ransom just to escape the system. Most ominously, the trial lawyers have recently joined forces with state and local governments to loot unpopular industries for political purposes. Litigation is no longer just a way to bilk opponents; it is a political weapon.

The second, related lesson is that the crisis in Florida was the culmination of several trends in law and politics over the past 50 years. The immediate antecedents of the 2000 election are the Clinton impeachment fight and the O.J. Simpson criminal trial. We are witnessing nothing less than a lawless regime of, by, and for the lawyers. Just connect the dots:

• Changes in ethical, substantive, and procedural rules in recent decades have transformed lawyers from genteel members of a profession and "officers of the court"—supposedly engaged in the common pursuit of justice—into ruthless mercenaries who will resort to any tactic to win. The advent of attorney advertising, contingency-fee arrangements, class-action lawsuits, and the ability to engage in open-ended "discovery" (aka, fishing expeditions) during litigation—all relatively recent developments—helped usher in the era of lawyer-as-hired-gun.

But the problem is not just the number of lawyers, or the power they wield. In the past, law was imbued with morality, and justice was conceived as a pursuit of truth. Not anymore. Now lawyers are ethically bound to "zealously represent" their clients and to advocate novel, far-fetched legal theories. Referring to the "reigning view of lawyers' ethical responsibility" as "all gas pedal and no brake," Walter Olson observes in his book *The Litigation Explosion* that "what we got...was a gangland war where the weaponry and tactics are varied and imaginative, spies are everywhere, all sorts of bystanders get mowed down, and the fighting continues around the clock for years. In the hope of getting justice, the American law deregulated combat."

If lawyers are ethically bound to win at all costs, truth becomes an impediment to be overcome. The most effective liti-

A Bad Century for Law

Roger Pilon, a legal scholar at the Cato Institute, recently traced the erosion of the rule of law:

George W. Bush will "have to deal with more than a divided Congress. Far more threatening is a legal culture that has reduced the rule of law to a set of political opportunities, exposing us all to arbitrary power. That culture is already on display in the confirmation hearings for John Ashcroft, which are focused on everything but the real problem—the demise of the rule of law under Bill Clinton....

"The eclipse of law didn't begin with Bill Clinton, of course. Its roots lie in the Progressive Era mindset that saw law not as a set of rules to secure liberty but as a political instrument for better living through bigger government. An uneasy compromise of law and politics emerged over the century, until the Clinton crowd came along. Finding even that law too confining, they simply ignored it in one area after another....

"Even the Left has been appalled by Mr. Clinton's assault on liberty. Anthony Lewis wrote in the *New York Times*: 'Bill Clinton has the worst civil liberties record of any President in at least 60 years.'"

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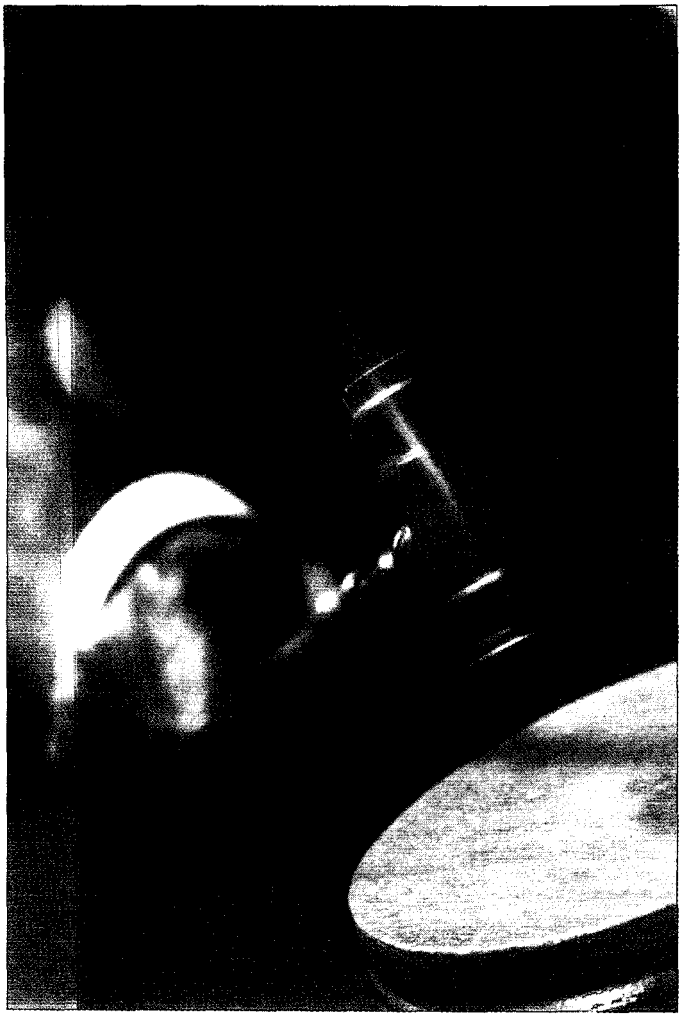

gation tactics become those that suppress, distort, or otherwise defeat the truth. The implicit conclusion is that lying—even under oath—is acceptable, if that is what it takes to win. Lawyers now routinely present lies to courts and juries. Many cases, and most defenses in criminal cases, rest *entirely* on lies: The Menendez brothers killed their parents in self-defense; O.J. Simpson couldn't have killed his ex-wife because he was chipping golf balls in his front yard; Bill Clinton didn't have sex with Monica Lewinsky; and a dimpled chad is a vote for Al Gore.

Consider that our most celebrated lawyers, in a culture that worships celebrity, are those who have succeeded in acquitting the obviously guilty (Johnnie Cochran, Alan Dershowitz, *et al.* and O.J. Simpson; David Kendall *et al.* and Bill Clinton); or punishing the innocent (David Boies vs. Microsoft). Indeed, the measure of these celebrities' fame is determined by the degree to which they are able to triumph over the truth through cunning, trickery, and demagoguery.

For example, Al Gore's much-hyped "superlawyer," Mr. Boies, solicited and filed an affidavit in the Florida litigation that misrepresented the facts of an important Illinois case—which was relied on by the Florida Supreme Court in its infamous November 21 decision favoring Gore. The affidavit prepared by Boies claimed that an Illinois court conducting a recount had counted dimpled ballots as votes, but the facts were otherwise: Dimpled ballots were *not* counted. Even after this deception was exposed by the *Chicago Tribune* and the signer of the affidavit recanted, Boies did not withdraw the erroneous document or notify the court in Florida. At best, he violated the rules of practice in Florida by not correcting the record; at worst, he suborned perjury. In either case, he should be disciplined (if not disbarred), but instead he basks in praise and accolades. Based on his performance in Florida, the *National Law Journal* just honored Boies as one of its "Lawyers of the Year." We have come a long way from the archetype of "Honest Abe," the plainspoken country lawyer.

• The "politics of personal destruction"—demonizing one's opponent through the Big Lie—has become a principal weapon of the Left in partisan politics and, as law and politics merge, in the battleground of activist litigation. The campaign of deceit that crushed the Supreme Court nomination of Robert Bork in 1987 gave birth to a new verb, "to be Borked." Emboldened, the Democrats destroyed House Speaker Newt Gingrich and tried but failed to destroy Supreme Court nominee Clarence Thomas. Bill Clinton's spin doctors used this ploy to smear Linda Tripp, Paula Jones, and, in particular, Ken Starr, and thereby helped Clinton win reelection in 1996 by demonizing Republicans to increase voter turnout among the African-American community. The O.J. defense team relied to a great degree on the personal vilification of policeman Mark Fuhrman. The trial lawyers have perfected this technique in their assaults on the tobacco, gun, and other industries. As law professor Robert Nagel puts it, "our courts have become places where the name-calling and exaggeration that mark the lower depths of our political debate are given a more acceptable, authoritative form." Is it any wonder, then, that the Democrats and the media spewed venom at Florida election official Katherine Harris, or that Democratic operative Bob Beckel was doing "opposition research" on Republicans bound for the Electoral College?

• The ascendancy of "legal realism"—a theory that assumes law has no fixed meaning but only represents prevailing views of what is socially desirable—unleashed a growing torrent of judicial activism in recent decades, aided by a revolution of liability rules. As a result of these developments, activist judges and predatory trial lawyers exercise unprecedented power. This largely unchecked power has further impaired whatever flimsy principles and scruples they had prior to attaining their present exalted status. As we've seen most recently in the actions of the trial lawyers who sit on the Florida Supreme Court, litigation now resembles a World Wrestling Federation tag team affair with the courtroom as the ring, except that the referee is really a participant in the fight.

Thus we had the spectacle of Florida's seven activist justices unanimously, *without invitation from either side in the lawsuit*, forbidding an elected official (Katherine Harris) from complying with her legal duty to certify the election results within seven days, and then re-writing an unambiguous state law and overruling the factual findings of the trial court in the absence of any showing of error.

Such brazen manipulation of, or outright nullification of, controlling statutes, constitutional provisions, and judicial precedents in order to achieve the desired result is, unfortunately,

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With lawyers and judges running elections, our liberties are as precarious as a hanging chad.

commonplace. It happens every day in courtrooms, state and federal, throughout the country. The "rule of law" is in many respects a hollow phrase. Consider: A jury acquitted O.J. Simpson because the defense successfully urged them to disregard the judge's instructions to the jury; Bill Clinton escaped impeachment because the Senate was unwilling to enforce the law; the tobacco settlement was in reality a coerced payoff in a legalized extortion scheme; and liberal pundits applaud the Florida Supreme Court for its transparent usurpation of executive and legislative powers.

• Finally, these outrages flourish all the more easily because they are praised by the "chattering classes"—the media, academia, and the legal profession—which have been captured by the Left. Indeed, it was difficult to distinguish news coverage from partisan flackery throughout the presidential campaign. The ferocity of the media's antipathy toward Katherine Harris was truly breathtaking. Liberals, it seemed, despise her for the same reason they despise Ken Starr: she too takes the law seriously.

Why, then, did the army of unscrupulous lawyers filing a blizzard of baseless lawsuits, with a captive media cheerleading on the sidelines and the most liberal state supreme court in America presiding, *not* succeed in picking up 900-odd votes to win the last election? In a nutshell, Gore & Co. underestimated the resistance. Bush and his legal team fought back, hard, both in the courtroom and the court of public opinion. The rhetoric used by Bush and his spokesman James Baker was appropriately blunt. And the political establishment in Florida—Governor, Secretary of State, and both houses of the legislature, all Republican—fought back.

More importantly, the public had a direct stake in the outcome of the litigation, paid close attention to what was happening, and vigorously opposed the Gore team's legal mayhem. This included noisy but well-behaved protests and the effective application of political pressure on elected officials. In addition, the litigation was necessarily limited: The December 12 deadline for appointing electors was an important factor in Bush's favor. Finally, the U.S. Supreme Court stood up for the rule of law at a critical juncture, despite the prospect of inevitable attacks from the Left.

Though Republicans should celebrate Al Gore's defeat, they would be wrong to think they have won any more than a battle. The Democrats (and their allies—the media, trial lawyers, and activist judges) will be back to fight another day.

The ultimate lesson? With lawyers and judges running elections, our liberties are as precarious as a hanging chad. To avoid being held hostage again, we must disarm the perpetrators through meaningful legal reform: adopt loser-pays rules for lawsuits, abolish the contingency fee, curtail liability rules, limit the award of punitive damages, control class-action abuses, and tighten up ethical rules to restore honor and decency to a profession that has lost its way. Judicial activism can be curbed by holding judges democratically accountable, through periodic retention elections, and removing rogue judges at election time (two of the Florida Supreme Court Justices will be on the ballot in 2002). The executive and legislative branches should reclaim the prerogatives that have been surrendered to or usurped by the judicial branch. And we the public must remember what it feels like to engage in combat with a remorseless enemy, because the fight has just begun.

What Happens Next Time?

Nicholas von Hoffman, a columnist for the New York Observer, *ponders the precedent set by the Florida legal circus:*

The lawyers "came flying into Florida like famished spirits let out of a cave.... In a few short days, they had fixed things so that nobody can ever know which candidate carried the state, and after a few more days, nobody cared. The Republicans and the Democrats were left accusing each other of having been the first to bring the lawyers in....

"Every crossroad in American life has a lawyer stationed there, levying a toll before you are permitted to go on your way. The election has brought home to us again how much we are in thrall to the members of this guild of men and women who take so much from the society and give so little in return.

"What we can't know is whether or not the violent intrusion of the lawyers opens the door for more of the same in coming elections. The lawyers have learned from Florida that they can delay and sabotage even a presidential election. The possibilities of doing the same to countless House and Senate seats now present themselves....

"History tells us that the most difficult moment for nations and large organizations is the moment of transfer of power.... The intrusion of the lawyers into our presidential election may be a one-time thing occasioned by the freakishly close contest. We don't know. We don't know if the lawyers will come back again. If they do, we can't stop them short of violence. They control everything, and will until and unless an enraged public defangs them. In the meantime, hold your breath."

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By Alan Gura

Choosing better judges

A new president's guide

The last election made painfully clear both the importance of the courts in American politics and the danger of activist judges. The candidate who explicitly opposed judicial activism won, but just electing such a candidate is not enough. The new President must take concrete steps to improve the selection of judges.

Nor is the Supreme Court the only forum that matters. By the end of the last Congress, the federal courts of appeals were on the verge of domination by liberal appointees. Republican-appointed judges held a majority in only eight of the 13 courts of appeals—and in five of those eight, a swing of one seat from Republican-appointed to Democrat-appointed would cost conservative jurists the majority. Some appellate courts were downright depressing. For example, on the Ninth Circuit Court of Appeals, which serves 45 million people, only seven of 25 active judges were appointed by Republican Presidents.

These appellate courts are far more powerful than most Americans realize. The U.S. Supreme Court hears relatively few cases; so the appellate courts almost always have the final word on important matters of federal law. Even the courts below the appellate level, the federal district courts, critically affect American life: There judges direct the flow of evidence, find the facts that frame cases, and take the first crack at applying the law in a dispute. In these courts, too, the presence of Republican appointees is rapidly diminishing.

Admittedly, a President's party affiliation is not a completely reliable indicator of how his judicial appointees will decide any particular issue. Though Republican Presidents have had more cause for disappointment in recent years, Democrats have undoubtedly rued their selection of certain judges. Indeed, given the workings of the political process, judges appointed by a President of one party are occasionally selected by a senator of the opposite party. Still, a President's nominees tend to reflect the President's governing philosophy in their jurisprudence. A President's party affiliation is thus an accepted, if imperfect, proxy for the judicial philosophy of that President's appointees.

Supreme Court Justice Clarence Thomas, left, confers with Justice David Souter. Both were chosen by George Bush Sr., but their opinions have often clashed.

Those who hope to see our activist judiciary reined in are concerned with more than bottom-line outcomes in key cases; conservatives have learned to appreciate the judicial function itself. Having long criticized what they perceived as results-oriented decision-making by activist judges, conservatives have adopted as valuable ends in their own right, not different results, but different theories of constitutional interpretation. Today's conservatives may still yearn for the demise of *Roe v. Wade*, but their desire is likely animated as much by respect for "strict construction" or the "original understanding" of the Constitution's framers as it is by any pro-life sentiment.

President Bush now faces a difficult dilemma. His constituents will no doubt press him to appoint judges with a demonstrated commitment to the conservative judicial philosophy: restraint, traditionalism, strict construction, and so-called originalism. The Right is wary of well-credentialed "moderate" appointees with no discernible judicial philosophy, because such judges have often

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Presidents should resist the temptation to pick judicial nominees who may offer the path of least resistance.

turned leftward when seated on the bench. For notwithstanding pop culture perceptions of lawyers as corporate "suits," the organized bar is an institution largely captured by the Left. Judges being human, those *not* committed to any legal philosophy tend to "grow" or "evolve" towards views more acceptable to the mainstream legal culture.

Noting the tendency of Supreme Court justices to seek approval in the *New York Times*, Judge Lawrence Silberman labeled this tendency the "Greenhouse effect," after *Times* court reporter Linda Greenhouse. After all, who doesn't want to be liked? Then there is the prospect of another David Souter, the most liberal member of the current Supreme Court. Bush Sr. nominated Souter—whose judicial philosophy was unknown—thinking he was a "stealth conservative." Bush sure got the stealth part right.

Democratic and liberal Republican senators, by contrast, are likely to try to press for more "moderate" appointees. Such senators will make clear that nominees with conservative "paper trails" will cost Bush political capital and not be confirmed. The fight over the nomination of former Senator John Ashcroft to be Attorney General was designed to deliver precisely this point.

But Bush should resist the temptation to pick judicial nominees who may offer the path of least resistance. There is little point in going about the business of the presidency—promoting legislation and executive policies—if carelessness in the judicial nomination process will wreck the ship of state on the rocks of judicial activism. For example, in Texas Governor Bush helped pass a law that requires minors to inform their parents before seeking an abortion. Yet the Texas Supreme Court, which has a Bush majority, has drawn criticism for failing to uphold the law in recent cases.

As President, Bush must realize that the appointment of federal judges is one of the longest-lasting legacies of any President. Twenty-five years from now, few people are likely to remember any tax cut Bush is able to secure, however worthwhile. But every facet of American life will still be affected by the philosophy of judges Bush puts on the bench. In addition, a new slew of Souters will likely not excite the Bush base required for other policy fights. Not everything is important to the conservative movement; judges certainly are.

For these reasons, Bush should make sure that judge-picking is properly recognized as key to the entire administration. At least one person in the White House should be tasked with the primary goal of confirming judicial nominations. Traditionally, this person has been part of the White House Counsel's Office. Bush should consider elevating that position, ensuring it an influence akin to that enjoyed by the domestic policy advisor and the political director. Bush should likewise take steps to de-politicize the nomination process. President Reagan entrusted judge-picking to the Justice Department's Office of Legal Policy (OLP) in order to distance it from the political deals that the White House must too often make. OLP should be returned to its original stature.

Bush must also make crystal clear to Senate Republicans the value placed on judicial nominations. In the Congress just completed, Republicans traded 16 lifetime judicial appointments for the confirmation of a single 6-year nominee to a Republican seat on the Federal Election Commission. Another deal saw the Republican leadership confirm two controversial nominees to the Ninth Circuit, in exchange for Democrats' clearing the path for the mayor of Tupelo, Mississippi, to be confirmed to the Board of Directors of the Tennessee Valley Authority. As the Congress drew to a close, rumors abounded that Republicans would deal more judges in exchange for Democratic assurances of budget peace. Judicial nominations, however, should never be horse-traded for less important nominees, trivial priorities, or vague commitments of good behavior from the opposition.

To repeat, Bush should choose as judges persons who have discernible legal philosophies. There is a happy medium between a lawyer with no record at all—a Souter-like "stealth" nominee—and one who has staked out views so adventuresome as to be unconfirmable. Accordingly, Bush should nominate lawyers who have thought carefully about the law and who have manifested in their writings a respect for text, tradition, and precedent. A lawyer who has never written any speeches or articles is unlikely to have thought deeply enough about the law to give anyone confidence that he will not yield to the socially comfortable temptation of "growth" toward judicial activism. Playing a great round of golf at the country club should not suffice for a nomination to the federal bench.

When it comes to nominating academics to judgeships, the administration should likewise try to strike a balance. It is unreasonable to expect every nominee to have fully articulated his or her legal philosophy. But an academic whose writings reveal no trace of a commitment to conservative legal principles should be approached warily, if at all.

Professors who hope to become judges should have extensive real-world litigation experience as well. This is particularly important when nominating judges to the federal district court. Appellate judges need only be scholarly, because they will only hear cases in which points of law are argued, but district court judges will face full-blown trials, and so must know firsthand how law is practiced before it is practiced on them. Attorneys and litigants who rely on these judges to effectively manage cases deserve the benefit of litigation know-how on the bench.

Bonus points should be awarded to nominees who have some connection with the "alternative legal culture" that has developed over the past two decades. Largely shut out of the law faculties, and ill at ease with increasingly politicized professional bar organizations, conservative attorneys and scholars have formed legal institutions more tolerant of dissent from leftist orthodoxy. And so, for example, a judge who has written for the *Harvard Journal of Law and Public Policy*, or the *Texas Review of Law and Politics*, to name two journals that provide forums for conservative legal thought, or who has taught at a top law school still open to ideas from the Right, such as those at the University of

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Chicago and the University of Virginia, will more likely withstand the social pressure to conform to left-wing activism.

Bush would also do well to emulate his immediate predecessor's courage. Whatever else brought their names to President Clinton's attention, his judicial nominees tended to have something in their résumés suggesting sympathy with the liberal world view. For the most part, these were thoughtful and accomplished (albeit liberal) men and women who could not reasonably be opposed.

On the other hand, Clinton did sometimes send the Senate some true radicals. Who could forget nominees such as Frederica Massiah-Jackson, a state judge who publicly exposed undercover police officers; Bonnie Campbell, a candidate for governor of Iowa who poked fun at religious Christians; or Lee Sarokin, the judge who found a First Amendment right for bums to live in a public library, declaring that society should "revoke their condition, not their library card." By no means should Bush nominate the right-wing equivalents of Clinton's more far-fetched nominees, but neither should Bush shy away from appointing conservatives.

Given the leftward tilt of academia, the bar, and large segments of the popular culture, Bush should expect that some eminently qualified nominees have publicly clashed with the Left. Assuming a nominee's ideas have been just and honorable, a history of political conflict should not diminish his confirmation prospects. Quite the opposite: A judge who has weathered the storm of criticism in the past will likely do so in the future. Such judges will not abandon their consciences under pressure. This trait is especially important in a system like ours, where judges must uphold individual liberties regardless of an occasionally contrary popular will. A perfect example of the value of battle scars is Justice Clarence Thomas, the second Supreme Court nominee of Bush Sr. Thomas proved his mettle repeatedly before reaching the high court and remains the polar opposite of his "stealth conservative" colleague, David Souter.

Finally, Bush should pledge, as Bob Dole did in the 1996 campaign, to stop giving the American Bar Association (ABA) a privileged position in the nomination process. For decades, Presidents have provided the ABA with the identities of proposed judicial nominees in order to obtain a supposedly objective judgment of their merits before nominating them to the Senate. Whatever value this procedure may once have had, today the ABA exercises an ideological veto over nominees by disparaging the qualifications of nominees whom it dislikes.

As Dole said in 1996, the ABA has proven itself to be a "blatantly partisan liberal advocacy group." In addition to endorsing abortion rights, racial preferences, and other liberal positions through its House of Delegates, the ABA danced to the tune of the Clinton administration. For example, during the Reagan and Bush Sr. years the ABA ardently defended the independent counsel statute. But once Democrats began to be investigated under that law, the ABA discovered what legal conservatives knew all along: The independent counsel law was unconstitutional and unwise. The ABA went so far as to invite Bill Clinton to speak just days after he was found in contempt of court, and also had his crony, convicted felon Webster Hubbell, speak at a featured panel.

The ABA insists its evaluation of judicial nominees is divorced from the policy positions it adopts and lobbies for on Capitol Hill, but its record in assessing Reagan and Bush nominees reeks of liberal bias. To take but a few examples, even though Chief Justice Warren Burger labeled then-Circuit Judge Robert Bork the most qualified nominee to the Supreme Court in 50 years, four members of the ABA's judicial screening committee found Judge Bork "not qualified." The ABA gave Richard Posner, among this generation's most prolific and impressive court of appeals judges, a Qualified \ Not Qualified rating. Other conservative luminaries, such as Judges Frank Easterbrook, Stephen Williams, Jerry Smith, and Lawrence Silberman, were also given Qualified \ Not Qualified ratings. None of these judges are above serious, reasonable criticism, and it would be astounding if some of their views did not attract fierce debate. Yet no one familiar with their impressive experience, credentials, and legal acumen can honestly question these judges' fitness for the federal bench.

25 years from now, every facet of American life will still be affected by the judges Bush puts on the bench.

Perhaps it would be difficult to attack the ABA's rating methodology if anything were known about it. But the terse labels—Well Qualified, Qualified, Not Qualified—come with no discussion or explanation. Nominees have no idea what compels the ABA to reject them as "Not Qualified," and they are not given a chance to question or even see the evidence against them, if any.

If the ABA frankly confessed to attacking conservatives simply for their views, its conduct would be less outrageous. But instead the ABA terms a nominee "Not Qualified," casting a pall over the nominee's integrity, intellectual ability, experience, and temperament. Nominees who expose themselves to the confirmation process in order to serve their country do not deserve to risk such insult.

Yes, the ABA is entitled to its views, and it should be allowed to make those views known to the Senate and the public just as every other special interest group does. But when the President gives the ABA's opinion a quasi-official role in the nominating process, he lends a devastating legitimacy to the group's absurd "Not Qualified" rating of conservative jurisprudence. Surely a President may be expected to take sufficient care in vetting his judicial nominees so as not to require the "assistance" of an outside political commissariat.

In the final analysis, Presidents regularly succeed in having the vast majority of their nominees confirmed, whoever they may be. Democratic senators will no doubt target certain Bush appointees, but the bluff that all true conservatives are unconfirmable should be called. Democratic senators know that for better or worse, a President is entitled to substantial leeway in selecting his nominees. If elections matter, we must accept the fact that different Presidents select different judges. Bush must make sure that, where filling the federal bench is concerned, his election was consequential.

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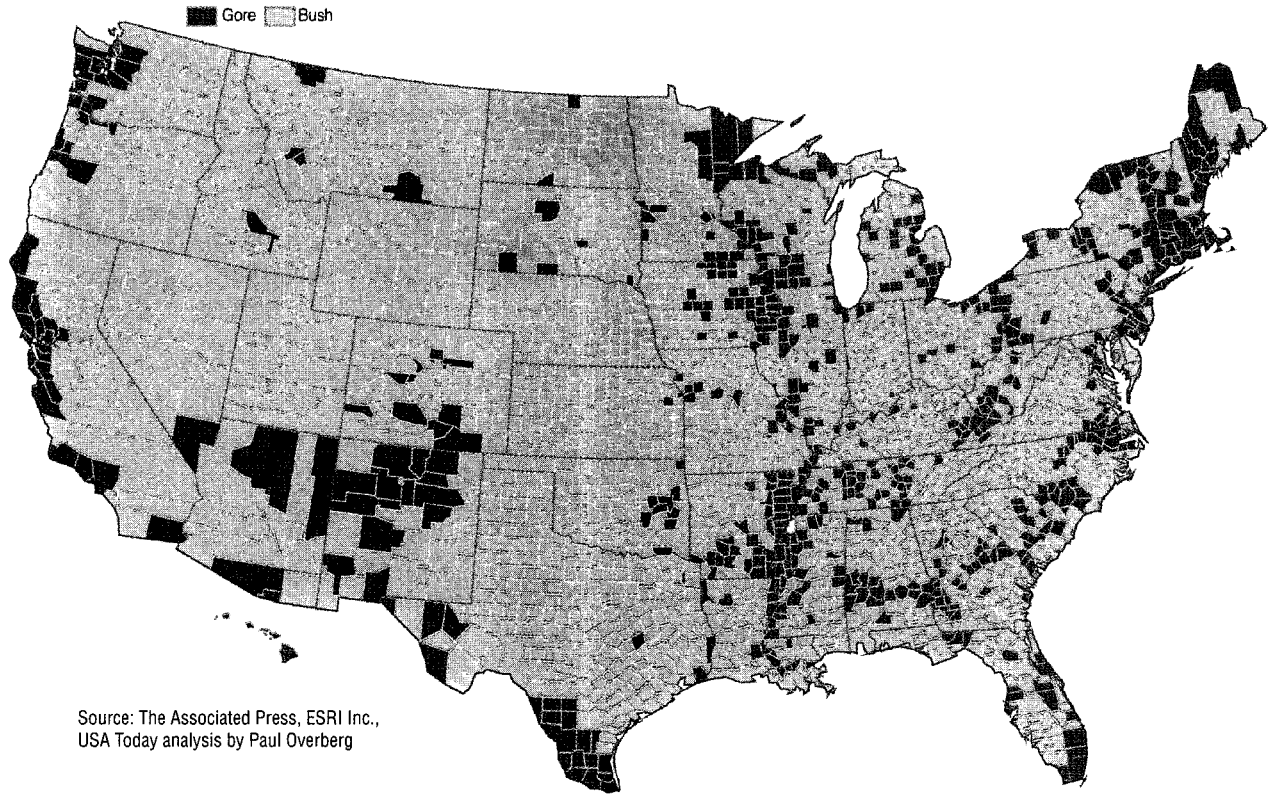
Governing A Divided America

Advice & Predictions from Seven Sages



By Julie Stacey and David Merrill, USA Today

Source: The Associated Press, ESRI Inc.,
USA Today analysis by Paul Overberg

The Moment May Be Righter Than You Think

Jonathan Rauch

So: The national electorate is evenly split, the Senate is evenly split, the House is almost evenly split. Statehouses are divided remarkably closely. Ideological liberals and conservatives have fought each other to a standstill.

Standard wisdom holds that President George W. Bush will be forced to govern from the humdrum center—where people seem interested only in dispensing prescription-drug benefits, education money, and various other pork cutlets to the middle class. So expect nothing momentous over the next few years. Me, I am not so sure. Today's doubts about miraculous reforms and bold political realignments may actually improve the odds for some lasting accomplishments. If he shrewdly descends to the occasion, George W. Bush may be just the man for the job.

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People will enjoy having choices in schools, health care, and Social Security investments, and whichever party receives credit for these reforms will tip the close political balance in its favor.

—Jonathan Rauch

After two decades in which politicians pledged grandiose reforms of our government, Washington's culture, the economy, and much else, voters in 2000 settled for relative modesty. In the Republican primary, John McCain had promised to end the reign of special interests, while Lamar Alexander said he'd cut federal regulation by half. On the Democratic side, Bill Bradley swore he'd provide health insurance to everyone and "eliminate child poverty as we know it." The voters instead went with a pair of boring incrementalists.

Then the exceptionally close general election denied either of our deradicalized parties any powerful mandate. The result: lower expectations in D.C. This is just as well.

In today's Washington of sclerotic institutions, permanent programs, and pit-bull interest groups, radical change never works. The Reagan Revolution of 1981, the Clinton health care revolution of 1993-94, and the Republican Revolution of 1995-96 all, in the end, further entrenched the Washington establishment.

If you really want change, a better approach is a kind of radical incrementalism that seeks to reform dysfunctional or anti-competitive programs, seriatim: Transportation deregulation in the 1970s, tax reform in the 1980s, welfare reform in the 1990s, and so on. By reducing expectations to reasonable levels, the 2000 elections may have made Washington safe for this type of incrementalism.

My guess is that the Bush administration and Congress, desiring to prove that they are not impotent, may make some headway toward one or even two of Bush's Big Three programmatic reforms: partial Social Security privatization, school vouchers, Medicare decentralization. Headway does not mean revolution—it means headway: small, compromising, but non-negligible steps in new directions. In the current climate, such smallish substantive reforms can have large political ramifications, provided they are aimed ostentatiously at what I call the New Center.

Postwar liberalism coupled two doctrines that were actually quite distinct. One held that government should guarantee a certain degree of security and opportunity in an often volatile and unfair world; the other held that the proper means to this end were centralized, bureaucratic programs. Postwar conservatism rejected both of those doctrines: it disdained the welfare state as an end, and centralized bureaucracy as a means.

New Centrism breaks apart the postwar package. It accepts that government should provide pensions, but holds that individuals should manage them. It accepts that government (even the federal government) should fund schools, but holds that parents should choose them. It accepts that government should ensure access to medical care, but holds that individuals should be able to choose their health benefits. Its bumper sticker would say: Security Without Bureaucracy.

In the 1980s, the New Democrats were first to scout the New Center. But in the 1990s Bill Clinton never quite got his party all the way there, and then in 2000 Al Gore swung back to the left. It was Bush who stole a march on the New Center, with an agenda partly filched from the New Democrats' cupboard and rebranded as "compassionate conservatism."

Whatever you call this agenda, I believe it defines the future. In two or three decades, parents will take for granted the ability to choose their children's schools, and the elderly will take for granted a choice of health benefits, and workers will take for granted the opportunity to invest their own Social Security funds. I don't know when the legislation will pass, or how, or what the fine print will say, but I do think that people will enjoy having these choices, and that whichever party receives the credit will tip today's close political balance in its favor and become the majority party, possibly for quite a while.

To redefine ideological boundaries that have been calcified for two generations, Bush need not enact a grandiose Social Security privatization, or an ambitious national school-voucher plan. All he needs to do is propose, explain, and conspicuously enact some incremental reforms that "brand" the New Center as a Republican product. That means packaging his reforms as centrist stabs at both choice and security, and bringing along enough Democrats to validate his rhetoric. Given Bush's elbow-rubbing skills and the relative weakness of both parties' ideological fringes, this looks just possible.

We're on the Edge of Realignment

David Frum

Modern U.S. presidential elections usually produce clear winners. In the 23 elections from 1900 through 1988, the median victor garnered 54 percent of the vote. Since 1988, however, the winning presidential candidate has failed three times in a row to clear the 50 percent hurdle. What's going on?

What's going on is the fading away of one party system and its replacement with another.

From Richard Nixon's administration to George Bush the elder's, the Republican Party urged a vigorous waging of the Cold War, while Democrats cared more about equality and permissive social reform at home. Foreign affairs weren't always the most important issue in any election, but they defined the boundary between the two parties more consistently than anything else—more consistently than free market economics (Nixon froze wages and prices,

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Republicans were at a disadvantage in the 1990s precisely because their policies had been so successful in the 1980s.

—David Frum

Carter deregulated airlines), more consistently than civil rights (Carter signed no new civil rights bills, George Bush signed two).

When the Soviet Union vanished, however, so too did the argument over what to do about it. And no new coalition-organizing issue like the Cold War (or the New Deal in the 1930s, or free soil in the 1850s) has risen to fill the political void.

In the absence of an organizing issue, attaining a political majority can be difficult. Between 1876 and 1892, as the parties failed to identify coalition-building issues to replace those spawned by the Civil War and Reconstruction, the U.S. had five non-majority presidencies in a row. With no grand issue on which to build, the parties shrank into two minority groupings, defined more by cultural affinities and memories of old fights than by any program or agenda.

In the non-majority politics of the 1880s, Americans often ended up voting to express their feelings about the Civil War two decades earlier. Likewise in the 1990s, many people voted to express their feelings about the cultural civil war of the 1960s and '70s. The 2000 election exposed the fault lines of the country with almost geological exactitude: The thin topsoil of the Clinton years—the pseudo issues generated by Dick Morris's polls—was blown away to reveal the granite cultural divisions beneath: secular vs. religious, married vs. single, metropolitan vs. exurban, black vs. white, immigrant vs. native-born.

In 1896, the stalemate of the 1880s finally gave way to a new majority coalition. Populations that had supported the Union grew faster than the populations that had supported the Confederacy. The Union party successfully reinvented itself as a voice of pro-business economic management, conservative moral reform, and national self-assertion overseas, building a majority coalition that would last for almost 40 years.

Today, both parties are trying to do what the Republicans did in the 1890s. The Democrats see a latent new majority in the combined ranks of racial minorities and new immigrants, senior citizens and others who want plusher government benefits, government employees who hope to provide those benefits, new environmentally conscious digital workers, men who enjoy the freedom brought them by the sexual revolution, and women radicalized by that revolution's overflow effects. Republicans, meanwhile, are hoping to build their majority out of savers and believers, the self-employed and the evangelical, married parents and young people who want to manage their own Social Security funds.

My guess, however, is that neither party will succeed in assembling a new majority coalition until some big new event jolts voters out of the habit of casting ballots to express their identity. Perhaps that event will be an environmental catastrophe vindicating the Democrats' reinvention of themselves as a green party. Perhaps it will be a bankruptcy of America's federal entitlements programs, finally opening voters' ears to the Republican message of market-oriented reform. Maybe it will be our slow demographic tilt toward a blacker and browner America, which will push the Democrats' identity politics and racial preferences into the ascendency. Or it could be a shift to the cultural right as the children of the great wave of divorce since 1970 decide to return to old values and old ways. Most likely it will be something quite unforeseen, in the way the crack-up of the Democratic party over Vietnam was unforeseen in 1964.

While the impetus to political change cannot be predicted, one thing can be predicted: The party most likely to benefit from change will be the one that most swiftly adapts to it. Republicans were at a disadvantage in the 1990s precisely because their policies had been so successful in the 1980s. There is no political error more dangerous than holding onto the carcasses of dead policies, warned Lord Salisbury, and the more successful a policy has been, the harder it is to jettison. Republicans won't recover their majority by calling the country to an anti-communist-style foreign crusade, or by promising (*à la* Reagan) to recover the country's confidence, any more than they will by promising to free the slaves or save the Union. Those battles have already been won, and don't need to be fought again.

Practical Advice for the Warriors

David Boaz

Despite the current fashion of tut-tutting over political divisiveness, the first few weeks of the Bush II era didn't reveal any new comity. Every Cabinet nominee who reflected the actual views of the Republican Party was subjected to sharp attack, and the chattering classes continued to question George W. Bush's intelligence and legitimacy. It will be quite an achievement for Bush to retain his famous affability in the months ahead, even more of one for him to advance an agenda.

Here are a few tips for the President and Congress to keep in mind. First, for Bush:

Remember that you are the elected President. Losing the popular vote is unfortunate, but in our system the Electoral College is what counts. That's why you and Al Gore were in places like West Virginia the last weekend of the election. Don't let doubts about your "mandate" undermine your confidence in your agenda, any more than Bill Clinton was dissuaded by the fact that 57 percent of the voters in 1992 preferred a more conservative candidate.

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Several of your ideas—like Social Security privatization—are very popular. You ought to move promptly to shift the debate off the contested election and onto your winning ideas.

Don't forget you're in a war. It has become clear that the advocates of unlimited government will do anything and say anything to preserve and expand their power. They accused you of killing a black man in Texas and then accused *Republicans* of distortion and mean-spiritedness. They tried to block military votes and count unpunched ballots in Democratic precincts and then complained that *you* were stealing the election. From Jesse Jackson and Maxine Waters to the editorial pages of the *New Yorker* and the *New Republic,* they wage a continuing campaign to undermine your legitimacy. They have adopted as their basic principle Clinton's famous response to Dick Morris: If the truth won't work, then we'll just have to win.

Now, a few suggestions for Congress: Yes, the public wants to see the President and Congress get along, and today's close divisions indicate a need to govern from the center. But "the center" is not just a point halfway between the positions of Republican and Democratic congressional leaders. Ross Perot and Jesse Ventura both appealed to the center with programs that were tough-minded, not "split the difference" hash. The electorate is often firmly on one side of a heated debate. Though Congressional Democrats have staunchly opposed a balanced budget amendment to the Constitution, for instance, 80 percent of Americans consistently support one. Similarly, polls show that between 57 percent and 70 percent of Americans support privatizing Social Security. And by 59 percent to 26 percent people prefer "smaller government with fewer services" to "larger government with many services." Those positions are all in the political center.

Use today's close divisions as an occasion to hold real debates on important issues. Americans are dissatisfied with everything from the future solvency of Social Security to the failure of the war on drugs. Don't ignore those issues; debate them as political leaders in a republic ought. In particular, where have the conservative political leaders in American politics gone? Where is the successor to Barry Goldwater and Ronald Reagan who will make the rhetorical case for freedom and limited government, and keep making it until he or she persuades a majority?

Seize the opportunity of a possibly weakened presidency to reassert Congress's powers under the Constitution. For a generation, Congress has increasingly abdicated its constitutional responsibilities to make decisions about war and about spending. And it has delegated its legislative powers to unaccountable bureaucrats in the executive branch. These abdications accelerated under Clinton, a President who sought to rule by decree at every opportunity. As responsible a figure as Interior Secretary Bruce Babbitt recently bragged that that the administration had accomplished through executive regulations many things blocked by Congress: "Here we are, having achieved 80 percent of what was sought in legislation, by administrative rule." The irresponsible Paul Begala was even more blunt: "Stroke of the pen, law of the land. Kinda cool." Congress should put a stop to this.

Even Steven

47 percent of Americans tell Gallup they lean Republican (Jan. 2001)	46 percent of Americans tell Gallup they lean Democrat (Jan. 2001)
271 electoral votes won by Bush	266 electoral votes won by Gore
50,456,169 popular votes for Bush	50,996,116 popular votes for Gore
50 Republicans in Senate (GOP won 50 percent of all votes)	50 Democrats in Senate (Dems won 48 percent of all votes)
221 Republicans in House (GOP won 49 percent of all votes)	211 Democrats in House (Dems won 49 percent of all votes)
In 11 governors' races, Republicans won 50 percent of the votes	In 11 governors' races, Democrats won 49 percent of the votes
17 state legislatures controlled by Republicans	16 state legislatures controlled by Democrats

(In 16 state legislatures, Republicans and Dems share control. Arizona, Maine, South Carolina, and Washington state have exactly divided legislative chambers, just like the U.S. Senate)

One of the most interesting facts of this election is that a near-incumbent in a time of historic prosperity and peace *didn't* win in a landslide against a less experienced opponent whose sheer capability to be President was openly questioned by Democrats and journalists. Political scientists' mathematical models of Presidential elections predicted that Vice President Al Gore would get 53 to 60 percent of the votes cast for the two major candidates. Yet Gore received only 50 percent of the two-party vote cast. Why?

The logical conclusion is that the sharp ideological clash between Gore's government-as-Santa-Claus agenda and Bush's mantra of "he trusts government, I trust you" cost Gore about 7 points from what the models projected. Congress and the President must remember that.

And there's another point they should keep in mind: As writer Mark Lilla has put it, the cultural revolution of the '60s and the free-market revolution of the '80s are each unreversible realities; so the future of American politics will belong to the party that adjusts best to both. Republicans who try to return to an idealized vision of the 1950s, and Democrats who bash business and insist there's nothing wrong with Social Security that higher taxes can't fix, will find themselves deserted by many voters.

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AP/World Wide Photography

Tom Daschle (left) and Trent Lott are the Democratic and Republican leaders, respectively, in the 50-50 split U.S. Senate.

Erase Our Divides with Marriage

Michael Medved

If more single citizens managed to get married and stay married we wouldn't agonize over "governing a divided America"; instead, Republicans would win at every level in every election.

The numbers show that married America isn't split down the middle or paralyzed by some bitter culture war. Among married voters, George W. Bush cruised to a 53-44 percent victory—bigger than Bill Clinton's easy win over Bob Dole, stronger than Bush-the-elder's drubbing of Michael Dukakis. If you narrow the field even further to individuals "married with children," then Bush crushed Gore by 15 percentage points.

As usual, the mainstream media focused on the "gender gap," ignoring the more significant marriage gap. The allegedly instinctive female preference for Democrats disappeared among married women—where Bush won, while single women went two to one for Gore. Single status also helps explain the lopsided African-American preference for Gore, since blacks are the only ethnic group in America with a majority of adults remaining unmarried.

As President Bush devises a strategy to unify our country, I suggest a new focus on promoting marriage. Members of stable families prove far less likely to turn to government for protection or sustenance or self-esteem. Exit polls show that marital status is a more reliable predictor of voting preference than age, education, or income. In fact, skepticism toward the institution of marriage among trendy liberals may stem in part from a self-interested preference for keeping citizens dependent and atomized. Sure, you can shift sentiment in a conservative direction by helping Americans develop their investment portfolios or buy their own homes. But encouraging them to get married—and assisting them in staying married—will influence their political predilections even more.

Despite decades of feminist, academic and Hollywood attacks on old-fashioned wedlock, most Americans care passionately about preserving the institution for their children and grandchildren. President Bush should do everything in his power to advance the cause of marriage, and relate every issue to this overriding effort. If the question is taxes, for instance, we should move beyond elimination of the marriage penalty and investigate the possibility of marriage benefits. Private retirement accounts under Social Security also serve the pro-marriage cause, by establishing an asset that can be passed along to a spouse or children. Choice in education likewise strengthens the authority of parents. Emphasizing adoption over abortion, and stressing compassionate assistance for infertile couples instead of our current obsession with providing birth control, will also add to the pro-marriage agenda.

A specific focus on nourishing the institution of marriage will attract far more support than generalized talk of "family values." The media love to stress conservative opposition to abortion and homosexuality—positions that divide Republicans and unite Democrats against them. Concentrating on the future of marriage itself, however, will unite Republicans and divide Democrats. Liberals can't go as far as conservatives in unabashed support of traditional matrimony without alienating their base in Hollywood, the gay community, and among "advanced" feminists.

Arguments may rage in universities about whether wedlock represents "patriarchal exploitation," but the real America recognizes marriage as the essential building block of civilization. On no issue is the gap between liberal elites and ordinary citizens more striking. Among even the 35 percent of voters classified as unmarried, most yearn for matrimony, while many elderly widows in that group eagerly await the day their grandchildren will marry. Trendy pop culture stars have also been swept along by the pro-marriage wave—with Michael Douglas and Madonna recently staging gaudy weddings (though it's too bad they couldn't have done so before they bore children).

Making support for marriage a hallmark of the new administration can mobilize a new consensus that transcends the economic and cultural divides separating our citizens. The only interest group hurt by a marital revival would be the legal community—a parasitical (and devotedly Democratic) profession enriched by widespread divorce.

Bill Clinton took credit for an economic turnaround that had

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Married America isn't split down the middle or paralyzed by some bitter culture war. Exit polls show that marital status is a more reliable predictor of voting preference than age, education, or income.

—Michael Medved

already begun before he took office; so George W. Bush could benefit from an unmistakable new enthusiasm for marriage that precedes his inauguration. Divorce rates, teen sexual experimentation, and out of wedlock births have declined modestly in recent years. If Bush manages to encourage such trends and to lend new energy to the marital comeback, he will simultaneously strengthen the nation and build a Republican majority.

The Divide Isn't That Serious

Nicholas von Hoffman

Gadzooks, Horatio, don't you realize that the country is split in two? The result of the Bush-Gore election was a damn bleeding wound, a veritable yawning fissure, and it's up to the new President to get us united again. Or so sayeth our most distinguished and best-compensated political seers. From Fox News to National Public Radio there is concurrence that a ligature made of bold vision and high ideals, topped with a slathering of bipartisan ointment, will close the ugly slash and heal the body politic.

I myself do not understand why such harmony and sweet music in the political spheres is to be desired. Disunity has a good deal to be said for it. At least when we're brawling we don't look like a line of goslings following the spavin-brained fad of the hour.

It shouldn't be inferred that, because the election was a tie, our country is divided in any serious sense. We are a people accustomed to contests like the one we've just been through. Recall the epic Coke vs. Pepsi soda pop challenges, and the argument between "It tastes better" and "No, it's less filling!"

It's estimated that the two major political armies spent somewhere in the neighborhood of a billion and a half dollars each in the last election, almost all of which went for advertising of one sort or another. Given our from-the-cradle-forward familiarity with advertising, our reactions to saturation bombing of such intensity are not surprising. We discount advertising claims.

In 2000, the presidential candidates morphed into Mr. Coke and Mr. Pepsi. It's true some people prefer Coke while others will choose Pepsi. But if they find themselves in a fast food outlet which serves only one of the brands, most people will buy what's available. Thus many voters—having been treated like consumers not citizens in this last election—were emotionally indifferent enough to accept another brand name substitute. Hence the passivity with which they regarded the 37 days of post-electoral shenanigans.

So what should President Pepsi do now that he's elected? One thing he had better not do is change the formula.

None of this New Coke/Classic Coke business. Leave the formula alone. Fizz up. Fuzz up. And sell like hell.

Nicholas von Hoffman is a columnist for the New York Observer.

How To Woo Urban America

John Norquist

George W. Bush lost big in big cities. Here is how he can reduce his losses in 2004 without betraying his Republican principles:

• Establish school choice in D.C. by providing $7,000-per-child grants to any D.C. citizen. The grants could be used at any public, private, or parochial school in the D.C. metro area. Most Democrats will oppose the plan, but D.C. choice passed the Republican Congress twice only to be vetoed by President Clinton. Press it again and Bush should sign it. One advantage is most politicians, even choice opponents, don't care much what happens in D.C. Also no one expects anything to work in D.C. (though school choice would work, as it has in my city of Milwaukee). So Bush has nothing to lose, and D.C. kids have everything to gain. The President must act quickly, however; Senator Strom Thurmond isn't getting any younger, and the Democratic governor of South Carolina will pick his replacement.

• President Bush ought to broaden his campaign for an across-the-board tax cut by extending it to payroll taxes. This would return part of the surplus to those who really paid it in—workers who had big Social Security taxes withheld from their checks. President Reagan and the Democratic House of the 1980s quietly raised payroll taxes and much of our surplus can be traced to that move. So don't do Speaker Hastert's narrowly focused tax cuts. Bush should go broad, even broader than his own campaign promise. He can moderate the costs by lowering the percentage cut to fit the budget situation. Think of the headline, "Bush Pushes Tax Cut for Workers."

• When Dick Cheney was a congressman he opposed a resolution demanding sanctions unless Nelson Mandela was released from a South African prison. Democrats beat the hell out of him for this. His response was that he admired Mandela, but didn't believe in economic sanctions. O.K., Mr. V.P., how about doing it again? Let's lift sanctions on Cuba. Everyone outside of Miami-Dade County knows they actually prop up Castro by handing him a scapegoat for problems actually caused by his Communist economy. Surprise the world, lift the sanctions, and American travelers will diminish Castro to a tourist attraction within two months.

• Reduce the size of the federal government. This seems to be a tough assignment for Republicans—Reagan and George H. Bush actually increased federal employment by about 300,000 positions, and Governor Bush *added to* the size of the Texas state government. Truly downsize the federal government and you'll help America, especially the states that send more to D.C. than they get back. These states also happen to be almost precisely the states

John Norquist, the mayor of Milwaukee, is a Democrat.

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The Left is closer to knowing how to manage the economy than the Right is to knowing how to deal with today's liberated culture.

—Harvey Mansfield

that Gore won, so it's a great way for Bush to reach out in a tangible way to his enemies on the coasts and in the upper Midwest, even if they don't appreciate the gesture. (Interestingly, it is the states that wallow in federal largesse, like Alaska and Wyoming, who hate and fear our national government most.)

• As a mayor, I have to suggest that our new leaders in Washington reduce the bureacracy of the U.S. Department of Housing and Urban Development by 50 percent. They should also give it a mandate to help increase the economic and real estate value of central cities. Incidentally, I believe these two objectives are very compatible.

• I would like to see the President surprise and delight environmentalists and suburban yuppies by taking the sprawl issue seriously, and giving Christie Whitman some latitude at the Environmental Protection Agency. Then tell the Neanderthal right-wingers, like my very distant relative Grover Norquist, that real Americans like unspoiled nature, air they can breathe, and water they can drink without worry. I'd also like to see some unexpected support for trains and mass transit, because they're good for big cities where people live close together. Everyone in this country shouldn't be forced to live on a ranch. Besides, most people like trains. People put trains under their Christmas trees, not highways.

• Rising health care costs are eating into our economy. And while the U.S. is the best place in the world to have quadruple bypass surgery, our public health statistics lag behind. President Bush should propose a market-based plan to provide universal access to health care. It can overlay the current network of HMOs and insurance companies. Capitalism can thrive while access to efficient and quality health care becomes universal. Call it "vouchers" if it makes Tom DeLay feel better. If Bush accomplishes market-based universal health care coverage, we Democrats won't be counting chads in 2004.

Cling to Principle

Harvey Mansfield

Politics in a democracy ordinarily produces more frustration than satisfaction. There is always a further victory to secure. The other side never goes away. The losers must grind their teeth and struggle to come back. The systems are set up to prevent domination. Our recent election makes this sometimes hidden truth quite obvious.

After this last election, Republicans awakened to their dream come true—for the first time since 1955, they hold both Congress and the Presidency. But of course they won only by the slimmest of margins, so their victory makes them more anxious than exultant. But if Republicans feel disappointed, consider the position of the Democrats—coming so close to winning the three battles of presidency, House, and Senate, yet falling just short.

To seize his moment, George W. Bush should start with a tax cut for our slowing economy and falling stock market. The moment is propitious, and can be used to create pressure for relief that at least some Democrats will not want to disappoint. Bush will have to compromise, but every step toward general, non-targeted tax relief will be a welcome advance.

Bush should also push entitlement reform. The courage he showed in raising this issue during the campaign must not be allowed to dissipate. The same applies to his proposals for bold education reform.

In both entitlements and education, the Bush goal is increased personal responsibility. Any small advance along that road should be regarded as a victory for principle, and used as a wedge to pry out further change. Republicans have not boasted enough of the IRAs they instituted as a supplement to Social Security. "Here," they should say, "is our chance for more of that same healthy medicine."

The Democrats want Social Security to lose its connection to work and earnings, and instead be funded from the general tax revenue of the government. This long-range aim should be exposed and resisted. The Democrats are the security party. Do they want you to feel secure? No, they want you to feel *insecure* so you'll vote for them. But the only true security is to feel capable and responsible, thus keeping your dignity. Articulating these principles is as important as getting the details right; indeed the two are linked.

In all the liberal democracies there has been a debate over economics and over culture. Generally the Right has won the first, and the Left is winning the second. Recently it has seemed the Left is getting closer to knowing how to manage the economy than the Right is to knowing how to deal with today's liberated culture. Add to this the demographic factors favoring clients of the Democrats, and you might predict that today's delicate political balance will resolve a few years from now into a period of domination by the Left.

Against these trends stands the truth, which often returns to haunt the unrealistic Left. In an administration not known for telling the truth, Bill Clinton's three most valuable accomplishments—balancing the budget, the NAFTA free-trade treaty, and welfare reform—had their source, ultimately, in hard truths. After all the tactical maneuvering, truth will be conservatism's best ally in the years ahead.

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Divided Democrats

The Post-Clinton Party

AP/World Wide Photos

Whither the Democratic Party? Have eight years of Clintonism and prosperity made it the party of Middle America? Or, in the wake of the Gore defeat, is it a mere agglomeration of interest groups rolling down the path blazed by Walter Mondale? Can the party win back the White House if it continues to excommunicate gun owners and those opposed to abortion? (Arguably, Al Gore lost the 2000 election not in Florida but in West Virginia, Tennessee, and Arkansas, where his association with the Million Moms and other gun control advocates cost him heavily among rural male voters.)

To assess the state of the Democratic Party after Clinton and Gore, *TAE* interviewed several of the most provocative and perceptive critics of the Democratic Party—most of them Democrats themselves. *TAE*'s John Meroney, Bill Kauffman, and Evan Gahr spoke with

Mike Barnicle, a columnist for the *New York Daily News*

Jerry Brown, the mayor of Oakland, former governor of California, and thrice a candidate for the Democratic presidential nomination

Nat Hentoff, longtime civil libertarian and columnist for the *Village Voice*; a Democrat who voted for Ralph Nader

Ron Klink, a four-term congressman from western Pennsylvania who narrowly lost a 2000 Senate race to Republican Rick Santorum—in large part because the national Democratic Party was reluctant to support him as a pro-life, pro-gun Democrat

Ed Koch, the former Democratic mayor of New York City

Mark Lewis, the current mayor of El Cajon, California, who changed his party registration from Democrat to Republican in the wake of the Gore-Bush post-election battle

Brian Lundy, executive director of the Democratic National Committee in the mid-1980s who broke party ranks in 2000 and supported George W. Bush

Chris Matthews, a former aide to House Speaker Tip O'Neill and currently host of "Hardball" on MSNBC

Dick Morris, the former advisor and image-maker of President Clinton

Tim Penny, a former six-term Democratic congressman from Minnesota who is now a director of the Hubert Humphrey Institute Policy Forum

Harry Stein, author of *How I Accidentally Joined the Vast Right-wing Conspiracy (And Found Inner Peace)*

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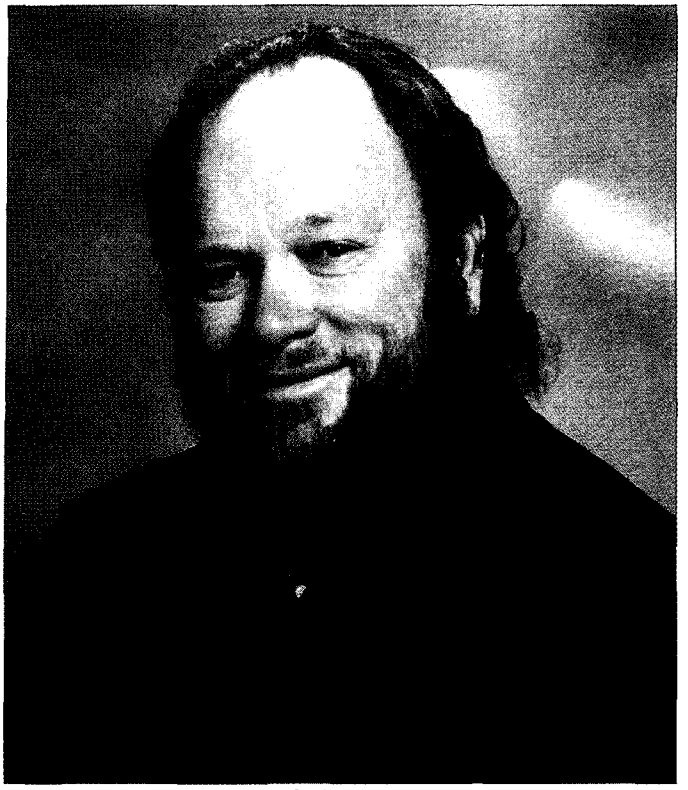
I've been a lifelong Democrat, but when I found out the party lawyers were looking to disqualify servicemen's ballots in Florida, that was the final straw.

—Mark Lewis



Mark Lewis, the mayor of El Cajon, California, switched from the Democratic to the Republican Party in the wake of the post-election battle.

Will Gore's post-election behavior have a long-term effect?

Dick Morris: I don't think it will cause any real harm. People feel he was justified in what he was doing, and winning the popular vote gave him traction to do it. The long-term problem will be that he squandered an opportunity to win massive public sympathy and lost the presidency anyway. Had he, much earlier in the process, said, "I'm not going to put the nation through this, even though I won the popular vote," he'd have a strong presumptive right to be both the next nominee and the next President.

He squandered that on a legal technicality, both by pursuing the issue and also by the minutiae on which he focused while he was pursuing it. Instead of reminding us every other moment of the moral legitimacy of his claim—because of his popular vote victory—he delved into dimples and chads, and the moral imperative was lost.

Mark Lewis: I believe it hurt the party. I always thought that we were a party of people, but now it seems like we're a party of lawyers. The message that we sent young people is, "if you don't like what's happening, sue."

Brian Lundy: The public almost has no memory anymore. It's going to be ancient history in about a month. There are only two things that could bring Gore back, and they're two eternal things, whether you're Richard Nixon or Jimmy Carter: Scandal or failure. Short of that, he just won't fit the rerun.

What is Bill Clinton's legacy to the party?

Ed Koch: Clinton and I in our separate circles brought the party to the center. I did that in New York City; Clinton did it nationwide. I think we're going to miss Clinton. That isn't to excuse his sexual excesses. But he was an extraordinarily able President and a centrist.

Mike Barnicle: If you talk to some of these Democratic senators, their biggest fear is a legitimate fear: that the operation we call the Clintons is never going to go away.

That's the biggest anchor on the party. I mean, if you're John Edwards from North Carolina or John Kerry from Massachusetts or Evan Bayh from Indiana, are you looking for a breakout strategy? It's like the Battle of the Bulge: You think everything's O.K., but you don't realize you're surrounded in the fog and the snow, and the Clintons are out there.

Nat Hentoff: The party has been totally corrupted—in terms of ideology—after Clinton. Except for Senators Paul Wellstone (D-Minn.) and Russ Feingold (D-Wisc.), they forgot the party used to be for civil liberties. The Democrats voted, along with Republicans, for the 1996 Anti-terrorism and Effective Death Penalty Act, which may be the worst attack on the Constitution in history because it greatly restricts the right of *habeas corpus* and strengthens the use of secret evidence against aliens. As Wellstone said recently, the Democratic Party's only interest seems to be winning elections.

Jerry Brown: The biggest thing Clinton did was embrace the globalization of the American economy. Clinton and Gore took what was a Bush policy on trade and embedded it within the Democratic Party—against his own party. Gingrich told me, "Clinton stole most of my best ideas."

I've been doing a lot of reading of our Founding Fathers. Boy, we've come a long way. John Adams said, "No people have ever survived prosperity." Now that's Adams; he was kind of a puritanical fellow. But he's saying this in 1814. They had this high-minded, virtuous view of what the Republic should be, and they saw prosperity as a threat. I think when you say, "It's the economy, stupid," you've come a long way from the Founding Fathers. It is well to reflect on the founding idea of America, which was liberty, it was virtue, it was this self-confident, self-reliant group of people who were creating something quite at variance with where we are now.

Brian Lundy: Clinton went out and stole a more libertarian philosophy and made it the Democrats' own. Their strength is that they are now positioned as fiscally disciplined but socially tolerant. People don't think of the Democratic Party now as the big-government, big-spending party.

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People like [Democratic Leadership Council head] Al From and I have been working on that for years. To give Clinton his due, he rode the horse in the direction it was going; he didn't buck it.

He slipped off the horse in those first couple of years, coming out of the box with a big-government entitlement program like health-care reform and also advocating gays in the military. But he got back on, got himself to welfare reform, and so forth. I think he said it best: "We're all Eisenhower Republicans now."

Tim Penny: His leadership moved the party closer to the political center but not uniformly so. His presidency will be remembered mostly for the balanced budget and welfare reform, which suggest a fiscally conservative agenda. The big questions that remain involve entitlement reform, and there his leadership was on again, off again. He also maintained a largely pro-trade posture, which had been the predominant Democratic view until recently. On balance, he was good for the party.

Why did Al Gore lose?

Chris Matthews: There's a reason why, if Gore had been elected, he would have been able to fly from Andrews Air Force Base to the California border without passing a state that he carried. The Democratic Party has become almost a caricature of what it's accused of being. It's a party of particular interests, particular pressure groups, particular ethnic groups who are appealed to on the basis of promises or fear.

At no time did we hear Al Gore speak to the American people as a country—until he brilliantly and wondrously talked to us in his concession speech. By constantly speaking to beneficiaries or interest groups that are afraid of something, he never won the mantle of leadership.

Clinton, to his credit, in addition to addressing interest groups and ethnic groups, spoke to the country as a whole, and said, "This is the kind of country I want." Gore never said what kind of a country he wanted to build, he just said how he's going to do certain things for certain people. People heard that, and that kind of talk never adds up to 50 percent of the voters.

Gore needed to separate himself from Clinton's lying to the people in 1998, and he didn't do that. All he had to do was say that the American President owes the American people, if not the full truth, then at least not to lie to them. He should have made the separation in '98 and run on the Clinton-Gore record in 2000.

Ich bin ein Berliner—I can't imagine Gore giving a strong pro-American speech like that or a strong nationalistic speech for the country. It was always the little guy against the big guy, rather than the country against anyone else. That instinct was missing. Maybe it's his advisor Bob Shrum. Maybe it's the guy who wrote his speeches. But there's an anger in the Gore campaign that just didn't strike me as a winning case.

Dick Morris: Gore ran his campaign on a collection of details, and as a result he was unable to open up any real issues against Bush. On the other hand, I do believe that Gore leaves this election in fairly strong shape, and I would expect him to be the nominee in 2004. I think he'll take anybody in a primary in '04.

What are the party's strengths?

Nat Hentoff: The Democrats' strength, if that's the word, is that they somehow get the black vote, which is strange to reconcile with what little they have actually done for black voters. Welfare reform has been a disaster for many people, and that was the Democrats' doing, in agreement with the GOP. The labor movement sold out its membership by supporting the permanent trade agreement with China which will cost its members jobs. Also, they sold out workers in China who are put in prison for trying to organize unions. Labor made the same mistake blacks did: They put all their money and work into one party. It seems to be this blind loyalty.

Chris Matthews: The party's strength is its connection with average middle-income persons. The Democrats understand their need for Social Security, their need for education in public schools. The Republicans still speak in macro-economic terms, grand national and ideological statements, but they don't really connect. Democrats also benefit from the question of who's better for the middle class? Rightly or wrongly, the Democrats are good at that stuff. The Republicans still have that whiff of the country club and the corporate boardroom and the better-dressed people.

Mike Barnicle: Even in an age when a lot of people are reluctant to have government get involved in anything more than it

What's Ahead for 2004?

Veteran political reporter Jack Germond prognosticates for Voter.com:

"Perhaps the silliest notion floating out there in the political air right now is the idea that Vice President Al Gore's graceful concession speech has given him some kind of running start toward the Democratic presidential nomination in 2004.... The Vice President was a terrible candidate. He projected an image as being arrogant, patronizing, and, above all, contrived and manipulative.... So why would it make sense to nominate him again? Does anyone believe he would be more attractive as a challenger than as a quasi-incumbent running on a record of eight years in office?

"Gore's running mate may be in a marginally better position to nourish his own ambitions for the White House.... But it would be a mistake to imagine that the Connecticut Democrat emerged unscathed from the party debacle of 2000. For one thing, some of his colleagues were bitterly angry at his refusal to surrender his Senate seat to another Democrat.... A greater number were put off by the, let's say, adjustments he made in his views...to accommodate Gore....

"Neither Gore nor Lieberman emerged from the 2000 campaign with much that other Democrats want to remember—or, more to the point, replicate.... The Democratic Party probably will not feel some need to turn back to its failed past for a ticket in four years."

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already is, there is a sense that the Democrats might be more willing or capable of doing something for you in things like health care. But I think that message has really been obscured. Unfortunately for the party at large, the past eight years have been all about Clinton rather than about the party. The greatest strengths have been pushed to the back burner in the past five or six years because of the force of the President's personality.

Harry Stein: They have a strong base with a lot of objectionable people. Civil rights activists, feminists, trial lawyers—that's a rock solid bloc. And massive media support.

Has the party gone too far left or right?

Dick Morris: The major issues that define Left and Right have for the most part been solved as a result of the relative success of the Clinton administration. That has moved the whole country to the left because the issues on the right no longer exist. If you don't have a budget deficit and you don't have high welfare and you don't have a lot of crime, what do you need a right wing for?

The outstanding issues, things like education and environment and health care, are things that Democrats are much better at than Republicans. On the other hand, Bush has done a very skillful job in moving the Republican Party to the left so that it's able to deal with those issues and offer alternatives. Just as Clinton tried to solve Republican problems with Democratic means, I think Bush is trying to solve Democratic problems with Republican means. School vouchers are a prime example of that.

Jerry Brown: Since the defeat of George McGovern, the party has been tilting to the right. Dukakis was really talking about administration, management; he was trying to avoid ideology and retreat to bureaucratic formula. Carter was going to re-organize the federal government with zero-based budgeting, that kind of stuff.

The party is further to the right now than the Republican Party was under Richard Nixon. Nixon was for family assistance, he was for the Anti-ballistic Missile treaty, he signed all the environmental laws, OSHA, all that business. He said he was a Keynesian, invoked wage and price controls—all those were instances of an aggressive use of government, something not embraced by Bill Clinton. Clinton embraced minimalism domestically and maximalist global trade. Under Clinton, government is just about getting, about prosperity, materialism, making money. For his eight years, it was a fabulous run of the economic engine.

Harry Stein: The party has gone too far to the left and deserted much of its past that was honorable. But it goes beyond mere ideology to moral corruption: the fact that they were willing to line up foursquare behind Bill Clinton when the chips were down. The notion became accepted that impeachment was all about sex when it was really all about the rule of law. Had a few prominent Democrats instead stood up and said, "I can't stomach this." But people felt they had to support Clinton because of the nature of the crisis. They were made to do things that were dishonorable. A lot of people had to swallow very hard to support Bill Clinton—and did.

Ron Klink: The Republican Party was extremely dishonest in most of the campaigns that it ran, trying to sound like Democrats. The Democrats were unable to support candidates who view the hot-button issues differently. The Republicans are dishonest and deceptive, and the Democrats have created a series of litmus tests that don't serve the party or America well.

Is the party hostile to working-class men, southern whites, & rural folks?

Harry Stein: Certainly it's hostile to southern white men. They

Senator Ben Nighthorse-Campbell, left.

Representative Billy Tauzin, left.

AP/World Wide Photos

Democrats turned Republican

GOP strategist Rich Galen counted 439 elected Democrats who switched to the Republican Party from 1992 to fall 1999, compared to two GOP-turned-Democrat officials. Three of the most prominent were Senators Richard Shelby (Ala.) and Ben Nighthorse-Campbell (Colo.), and Representative Billy Tauzin (La.)—all of whom switched after the Republican victories of 1994.

"People say there is no difference between the two parties," Tauzin said at the time, "but they're wrong. There is a huge difference. The Democrats are always—always—dealing with issues surrounding the redistribution of income. Republicans are trying to help people create income."

More recently, the 2000 elections saw State Senator Verne Smith of South Carolina leave the Democrats for the GOP. The 74-year-old Smith had held office 28 years. His party switch, which gave the Republicans control of the State Senate, meant that for the first time since Reconstruction the GOP controls both houses of the South Carolina legislature.

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The party has become almost a caricature of what it's accused of being: a party of particular pressure groups who are appealed to on the basis of promises or fear.

—Chris Matthews

are quite open about it: [Gore campaign manager] Donna Brazille said she has no interest in white men and what they've achieved.

Popular culture is helping the Democrats. Turn on the networks and you effectively have a series of advertisements for Democrats on social issues; the Emmy Award winners were "West Wing" and "Will and Grace." A lot of people in this country believe it was ordinary white males who murdered Matthew Shephard. There is a widespread belief that there is a murderous impulse toward homosexuals. So they've shut down the conversation; honest discussion of gay marriage is called homophobic, and honest discussion of feminist issues is called sexist.

Ron Klink: Democratic leaders want working-class men, southern whites, and rural people in the party, but they would like to be able to convert and control them; to enlighten them to the liberal, pro-choice, anti-gun agenda. That isn't going to happen; so we will continue to have that battle in the Democratic Party.

Tim Penny: There is a decline in support for the Democratic Party in rural and small-town America. I live in the heart of rural Minnesota. The overemphasis on a handful of issues—gun control and abortion—hurt national Democrats in rural settings.

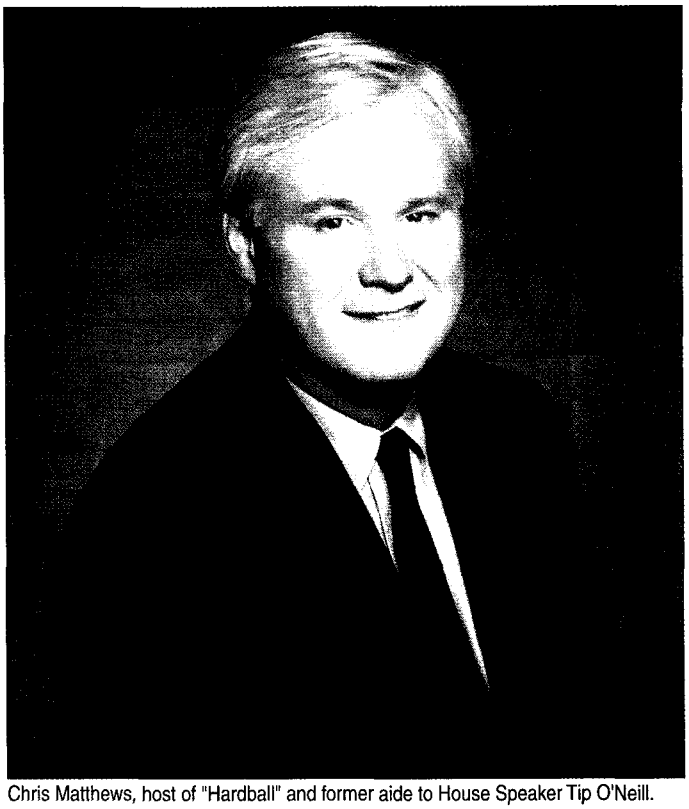
Do the Democrats have a future in the red states of Middle America?

Ron Klink: If the party wakes up and realizes the mistakes the party is making in those states and in states in the Gore area like Pennsylvania. There are working-class people for whom the Democratic Party stands up everyday who have great concerns that the party is going to take their guns away or that the party has a litmus test when it comes to abortion. They want their guns to protect themselves or go hunting, and they view the Democratic Party as harmful to them; so they turn their back on the party that has stood up for them in the workplace. The Democratic message is becoming swamped by the hot-button issues. The working-class voters believe that the Democratic Party is walking away from them and going in an urban direction.

Harry Stein: I think they had a shot with Lieberman had he continued to articulate the concerns of his early career: asking questions about affirmative action, for instance. Yet they not only put a muzzle on him immediately but made him disavow those positions.

Tim Penny: Up the spine of the country, from Louisiana to Minnesota, Clinton owned those states. Gore lost a lot of them. Gore lost a couple of mountain states that had been solid for Clinton. Clinton demonstrated that we can be competitive across the country; Gore demonstrated that you can't do it by moving to the left.

Mike Barnicle: If you pick up the *Boston Globe* or the *New York Times* and read their editorial pages, you'd think the election we had was actually like a war. They're so resentful and so bitter and so angry. And yet if you go five miles outside of Boston, to Watertown or beyond Route 128 to suburban towns, people aren't like that. People are not nearly as bitter or as ideological as the editorial pages of these liberal papers are.



Chris Matthews, host of "Hardball" and former aide to House Speaker Tip O'Neill.

Is there a place for pro-lifers in the party?

Tim Penny: Not really. We're a pro-choice party. My only distress is that this is an issue where the definition is strictly enforced; the higher you rise in the party, the less tolerance there is for any variation. On questions of parental notice, we really deserve within the party a better, more thorough debate. It isn't enough to support *Roe v. Wade*; you have to support partial-birth abortions—that separates the party from the vast middle.

Ron Klink: There is room, but I'm not sure if it's at the top of the party. My race is a prime example. If the national Democratic Party would have supported me with a minuscule amount, they would be in charge of the U.S. Senate by one vote. We came within two and a half percentage points of winning an election where we were outspent five to one. Support which was promised to us by the Democratic Senatorial Campaign Committee was nonexistent. National Democratic money was not there. Our problem was not the Republicans; it was the Demo-

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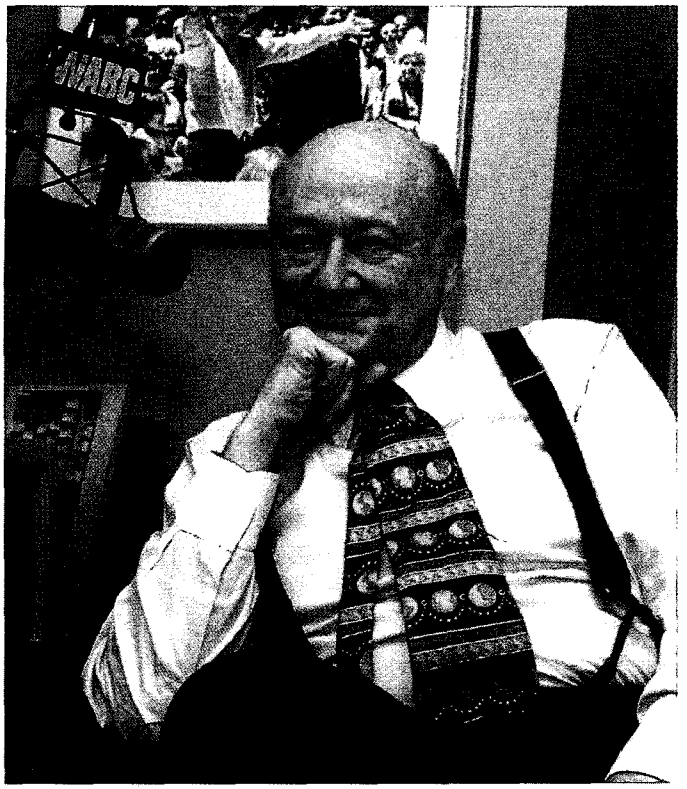
If you talk to some Democratic senators, their biggest fear is a legitimate one: that the operation we call the Clintons is never going to go away.

—Mike Barnicle



AP/World Wide Photos

Ed Koch, former Democratic mayor of New York City.

crats. The liberal dollars were not going to come to us. Even though they disagree with me on abortion and guns, I told them, "There's going to be a pro-life candidate running for leader of the Senate and there's going to be a pro-choice candidate. Even though I'm pro-life, I'm going to vote for the pro-choice candidate, because there's a huge difference between pro-life Democrats and pro-life Republicans."

Mike Barnicle: I don't know anybody who's for abortion. I don't know anybody who's walking around saying, "Let's have more of them." But some people manage, by the way they approach the issue, to give people the impression that that's what they want to do. They want to make it available for 12-year olds to have abortions—"And by the way, you don't have to worry about telling your parents. We're going to introduce special legislation to support it." So if you're 16 and you're pregnant in high school, you can get an abortion or get counseling without telling your parents. I mean, you'd have to tell your parents if you bought a pack of cigarettes, but don't worry about having the abortion.

Chris Matthews: I don't think Gore is pro-abortion, but he campaigned as if he is. I think he's very much hurt morally by abortion. In fact, I don't think he would ever say he thought it was O.K. I don't think he's ever agreed to answer a question about the morality of abortion. And so he runs as a guy who's a fanatical pro-choicer. He never says the word abortion. And some people said, "Wait a minute, this guy's playing this thing politically, or he's not really saying what he believes."

What does it say that Al Sharpton is now a significant party figure?

Ed Koch: Sharpton could become a good crossover leader if he admitted that Tawana Brawley was a hoax and apologized for his language, which was anti-Semitic and anti-white, and then worked to undo the damage. Sharpton is supported by 80 percent of blacks.

Mike Barnicle: Al Sharpton effectively represents his constituency, and he's got a legitimate constituency.

Are teachers' unions too powerful a presence in the party?

Jerry Brown: I have embraced the charter school movement both as an immediate alternative for parents, but also as a competitive pressure to push the schools into real change. It cannot come from the top only; it has to come from the bottom. And the bottom is parents' taking their kids out of school and putting them in charter schools.

When you reach a tipping point of kids' leaving regular public schools, you'll get real change in the public school system. Because every time a kid walks out the door and goes to a charter school, that's $6,000 less that school's going to have.

I'm starting two charter schools in Oakland: one for the performing arts, and also a college preparatory academy to be run in collaboration with the California National Guard, called the OMI, Oakland Military Institute. We've got a situation where 70 percent of the kids in Oakland are three grades behind. No more than 10 percent qualify for a four-year college. And yet people who call themselves progressives are attacking me for creating an environment that's going to make kids successful. It's incredible.

Teachers' unions don't like it because this school is going to go for 22 more days a year and 35 Saturdays and a two-week summer camp that starts at 7:30 in the morning and ends about 5:30 at night. We're going to have a National Guard guy in the classroom, and we're going to have a teacher. And the cadet will not lie, steal, or cheat. Everyone's going to be dressed properly, shoes shined. We're not going to have security guards because everybody's on an honor code.

And everyone's going to work. If they don't have their homework finished, they're not going to go home, because we're going to have study hall; they won't take it home. There are not going to be any excuses. And we're not going to spend a heck of a lot more money.

I come from what you would probably call a liberal back-

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ground. But if 70 percent of the kids are three grades behind and I'm the mayor, I've got to do something. This is common sense.

Similarly, if you want to build some houses and the city doesn't have any money, you need developers who want to spend their money. So I've got to charge a rent which lets them make their money back; otherwise they won't build. If you tell them they've got to provide one out of four units for people who can't afford to pay for them, they won't build them; we'll just sit and stagnate. The city needs capital. If you can show me the Bank of Socialism that will give me money to build houses, I'll go there instead. But so far nobody's shown it to me.

Mike Barnicle: I love teachers; my mother was a teacher, my aunt was a teacher. But you stand up and mention the idea of school vouchers, and you'd think it was 1952 and you were talking about Dalton Trumbo and the Communists. "Vouchers" has become a code word for Democrats that they knee-jerk react against.

Dick Morris: Both political parties are far too much the creatures of the special interest groups that sustain them financially. That's one of the reasons why a plurality of the voters reject them both and are independent.

What is your connection to the Democratic Party?

Mike Barnicle: Genetic. I was raised by parents who literally believed—my mother's still alive, she's 90—that Franklin Delano Roosevelt saved this country. I don't think my mother has ever, ever voted for a Republican. I've voted for only one: I voted for Frank Sargent running against Michael Dukakis for governor. And you know something? I could also live in the state of Florida, because I've blanked a lot of races.

Jerry Brown: I happen to be a "declined to state." If you go look at my voter registration form, the box marked "decline to state" has an X in it.

Most people see me as a Democrat. My father and I were Democratic governors, but I wanted to separate myself. I'm in a 70 percent Democratic city; so it's not inconceivable that I'd register as a Democrat if I had to run in a partisan election.

But I imposed term limits on myself in case I got tempted—in case I started enjoying myself too much. Which I am, by the way. I love it. Education, the workplace, the environment: all this stuff happens in a concrete location—the city. The further you get away, you're not talking to ordinary people, you're talking to lobbyists. Since I became mayor I canceled my *New York Times* subscription. I read the *Oakland Tribune*, trying to be a localist.

Why did you support George W. Bush?

Brian Lundy: It's more a positive about Bush than a negative about anything else. He's always underestimated, but I think he has this perfect combination of character and competence that fits the time after Clinton. I think we're going to be in for good times. He's got the governing skills of an LBJ, the convictions of a Reagan, and the integrity of a Carter.

Why did you switch parties?

Mark Lewis: In my case, it's about Democrats' not supporting the military. My father died from World War II injuries. I've been a lifelong Democrat, but when I found out the party lawyers were looking to disqualify servicemen's ballots in Florida, that was the final straw.

My mother still is a Democrat, and she is upset with me for changing because our whole family, all the generations, have been Democrats. I only had one aunt who was a Republican. She lived in Arkansas, worked for Social Services, and was fired when Bill Clinton came along.

Is there a place for libertarians in the party?

Tim Penny: Yes, I think so. The younger Democrats that I know tend to be fairly libertarian. When I work with young professionals in Minnesota's Twin Cities who think of themselves as Democrats, they are by and large social liberals and fiscal conservatives. They are not frightened by—in fact they're very much interested in—Social Security and Medicare reform.

Jerry Brown: If you are a conservative of a certain ilk, you're

The Clinton Record

William Schneider of CNN and AEI tallies Clinton's political legacy for The Atlantic:

Under Clinton the Democrats did not thrive. Their party lost its power base, not just in Washington, D.C., but also in the states. In a variety of ways Clinton left the Democrats in the worst shape they have been in in more than 50 years.

- Democrats lose majority in U.S. House of Representatives for the first time in 40 years.
- Democrats reach 50-year low in the U.S. Senate.
- Number of Democratic governors drops below 20 for the first time since 1970.
- Democrats control the smallest number of state legislatures in nearly 50 years.

The Clinton years have, in effect, equalized the strength of the two parties—a fact made painfully clear by the 2000 presidential vote. Under Clinton the Republicans made gains unmatched even during the Reagan era—and they held on to them.

The disintegration of the nation's Democratic majority began during the Nixon era. Clinton presided over that majority's demise. Where does this leave the nation? Closely divided in presidential politics, and in state politics, with sharper regional divisions and bitter partisan warfare. Not a lovely legacy.

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for choice only after the moment of birth. If you are a so-called liberal, then you are only for choice before the moment of birth. Now you figure that one out. That makes no sense to me. You're either for liberty or you're not for liberty. But the defenders of liberty are always at the ramparts.

What would John Kennedy think of the party today?

Chris Matthews: Kennedy ran for President of the United States, not for leader of the Democratic Party. He did appeal to the constituency of the Democratic Party, but he was for free trade, for tax cuts, for strong defense. What's that sound like? And he was also for civil rights and for strong foreign aid and the Peace Corps and the Alliance for Progress. He was a big-picture President who had a touch of Churchill.

I think it's fair to say that Kennedy was a conservative guy, compared to his brother, Ted. But he was an aristocrat in many ways, too. There are a lot of things about him that aren't that admirable.

What issues aren't being discussed?

Jerry Brown: When you're in a world of experts and so-called professionals, the common sense of the people is marginalized.

I'll give you an example. We're talking about building a building not too far from where I live, in this warehouse district. It's an old, totally undistinguished warehouse in what has been designated a historic district. So we're working up the Environmental Impact Report, and you have to hire a consultant. The consultant is this young lady who says, "The developer wants to tear this whole warehouse down and build an eight-story building, and that would have a negative impact on the historic warehouse district."

I say, "Wait a minute. Why? It's an eight-story building. What's different? Why do you say it's negative? Why isn't it positive? It will bring more people—there are not enough people down here."

"No," she said, "in my professional judgment...." And that is given weight by the courts. Her opinion could have more sway than the city council, the manager, the mayor, and all the people of Oakland put together.

That's amazing. That's what I call "expertise versus common sense." What do they call those guys in Russia: the *nomenklatura*? That class of folks who kind of run things. I think that's an important issue: reclaiming the power of ordinary people to control their lives. Every time we turn around, we've got some kind of a state or federal rule or regulation.

"In my professional judgment..." That whole academic discipline was probably created less than 25 years ago, and that lore—I call it lore; these are like stories that you tell around the campfire—is then raised to the level of legal significance with greater authority than the vote of the people and the elected representatives. The people have lost their democratic right to make a decision over the shape of their lives, and you can find that happening on a lot of issues more controversial than historic preservation.

Are there hopeful signs in the party?

Nat Hentoff: Look at Senator Daschle and all those people. The current Democratic leadership is the same leadership that existed under Clinton. So how can we expect anything hopeful? I voted for Nader.

Brian Lundy: The special-interest caucuses are going to rear their ugly head right now. It will be interesting to see if [incoming DNC chairman Terry] McAuliffe can keep it down. Clinton has done a very good job of not letting that be the public face of the Democratic Party. But you can only hold them down for so long. They wake up every day and think of how they can control the party levers.

When [DNC Chairman Paul Kirk] told the AFL-CIO in 1985 not to endorse early, they shut off our money for about six months, and we almost went broke. They basically feel they own the party.

It's becoming two or three major interest groups funding the Democratic Party. The public doesn't really recognize that yet. But it will be interesting to see what happens if those interest groups start taking over the apparatus of the party, and that becomes the public face of the party again. It could cause real trouble. Interest-group-driven liberalism has been kept below the surface for about a decade, but it's starting to creep back; without that urban base, the party wouldn't be competitive.

But the upper-income suburbs, the wine-and-cheese set, that's where the libertarian thing comes in, saving the party. Democrats, if they're smart, will continue to promote a libertarian philosophy. The largest party in the country is libertarian, but it has no leader. If you look at the majority of the public on these issues, there is this conservative economic outlook and social tolerance. But it has no party. It has voters but it doesn't really have leaders. Democrats are going to do just fine if they stay on the libertarian side of that. There is a serious cultural divide that's only growing. And the suburbs will probably be the referee of it.

Forgotten Voters

Liberal academics Joel Rogers and Ruy Teixeira, authors of America's Forgotten Majority: Why the White Working Class Still Matters, *diagnose a Democratic problem:*

"The Democrats came back under Jimmy Carter...but it was a short respite. ...instead of honoring and encouraging core American values such as equal opportunity for all, fair reward for effort, the centrality of hard work and individual achievement, and social responsibility and order, the Democrats seemed to be focused on liberal social programs to promote the particular interests of gays, women, and minorities."

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The Great Florida Recount of 2000

as told by two survivors

Palm Beach Counts

John R. Bolton

If there's a beach in Palm Beach County, Florida, you couldn't prove it by me. After over two weeks there, heading up Governor George W. Bush's legal team during the Great Recount of 2000, I thought the entire place consisted of the West Palm Beach airport, the Emergency Operations Center (EOC) where the recount took place, and the various cheap airport motels where we stayed, wondering each day whether our laundry would ever come back. I'm told people get suntans in Florida, but I don't understand how.

The EOC is a windowless, boring structure built (with federal money, of course) to protect the county government in case of hurricanes or other natural disasters. You have to hand it to those county officials. They built the EOC right next to the airport so they could get out of town quickly in case the citizens ever figured things out. What they didn't calculate was that for the Great Recount of 2000, the hurricane was actually inside the building.

What a scene it was: Republicans convinced Democrats were trying to steal the election, Democrats trying to psychoanalyze ballot cards to determine voter intent, the mass media camped outside the EOC in a tent city like a siege army. The reporters were always asking us what was happening inside, but since we usually didn't know, there wasn't much communication.

Night and day inside the EOC, volunteer counters and observers went over 450,000+ ballots by hand. Most of the time it was quiet as a church, until a ballot fell to the floor or a chad came loose—then the Palm Beach SWAT teams had to be called in to keep order. The big issue was whether "dimpled" chads should count as real votes, which Vice President Gore wanted. I tried for two weeks to make "dimples," but I kept punching the chads completely through (which is what the voting rules actually required). I guess I just don't have what it takes to be a Democrat.

The three officials on the County Canvassing Board made the final decisions on which candidates got what votes. I spent most of my time as close to those folks as it was legally permissible to get. I'm sure they enjoyed it as much as I did. The Palm Beach County TV channel broadcast every minute of this exercise live, and C-SPAN and other networks carried much of it nationally. You would think if someone told his spouse he was going off to Florida for a month alone, it would be grounds for divorce. In my case, however, it was no problem, because my wife knew where I was every minute just by turning on the TV.

I won the award for traveling the farthest to get to Florida, having returned from Seoul, South Korea, shortly after Secretary of State Madeleine Albright's visit to the North. My employer, AEI, was co-sponsoring a conference on Korean reunification, and perhaps we can use some of the same speakers for a conference on Florida later this year.

AP/World Wide Photos

Author John Bolton, far right, looks on as the Palm Beach County canvassing board examines the last ballot of its manual recount.

After finishing in Palm Beach, I spent another couple weeks in Tallahassee, the state capital, where many of the 40-50 lawsuits filed during the Great Recount were litigated. Tallahassee didn't feel like Palm Beach, or even any other place in Florida I had ever been. With its laid-back attitudes, small scale, and Spanish moss hanging from trees, it seemed like the capital of southern Georgia or Mississippi.

But those hundreds and hundreds of lawyers and media camp-followers made Tallahassee a busy place, filled with small armies of attorneys, roaming around and engaging in pitched battles for any reason or no reason. And those were just the Republicans.

Most of the Democratic barristers seemed to be personal-injury lawyers, who dressed much more expensively than the gray-suited, Republican corporate types. Am I missing something here? With all those tort lawyers on the other side, we were worried that, if the Democrats lost, we would all be sued for billions of dollars for causing them emotional distress. Given how the Florida Supreme Court decides cases, I'm still worried.

But I just can't wait to see where 2004 sends me.

Miami-Dade Riots

Sheila Moloney

As I rose with the sun on November 22, and threw on my khakis and sandals, I would never have guessed that today I'd become a mobster.

I'd spent the past 2 days with the Miami-Dade county canvass-

When not scrutinizing chads in Florida, John Bolton is senior vice president of the American Enterprise Institute.

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The arrow indicates author Sheila Moloney in the midst of the nineteenth-floor riot in Miami.

AP/World Wide Photos

ing board counting 4's (Bush votes) and 6's (Gore votes) as an official Republican observer. The work was tedious and mind numbing, the fluorescent lights hard on the eyes (someone called OSHA to complain; evidently the agency's bureaucrats weren't concerned).

On day two in Miami-Dade I worked on precinct 216 (70 votes for Bush, 1146 for Gore, 0 for Buchanan, 13 for Nader). I joked with the Democrat observer that it seemed we had another Buchanan stronghold. He said I was "nicer" than some of my fellow Republican observers and asked if this was a new strategy—it was the first of many times that week Republicans would be accused of having a strategy.

The precinct took about seven hours. I half-joked at one point that we could speed this up with a machine count, but had no takers.

We were hearing rumors of Gore gains and also hearing we'd not yet gotten to many of the Republican strongholds such as the Cuban precincts. Tuesday night the Florida Supreme Court set a 5 p.m. Sunday deadline. We knew this meant the mood in Miami-Dade would change. We weren't moving fast enough to finish by Sunday, Thursday was Thanksgiving, and finding workers would be a challenge for the city—not to mention a financial burden on a town that filed for bankruptcy only a few years earlier.

Wednesday morning I was on second shift at the courthouse. At about 10:30 or so, the first shift came streaming into our second-floor holding pen uttering choice phrases about this process. The canvassing board, under the Sunday gun, decided to ignore all the counting we'd done and only look at the 10,000 or so "undervotes" the machine kicked out. Interesting how they trust the machine in some cases, I thought.

We were told the counting was moving to the nineteenth floor, and we weren't allowed in to watch. Next thing I knew someone said, "Some people are going to the nineteenth floor if you want to come." When we reached the reception area, there wasn't a lot of organization (as some reverends have suggested). Someone asked, "Should we have a sit in?" One guy said, "Anyone there in '68?" We all laughed. Someone started chanting "Let us in, let us in" (because the doors were locked and the ballots that would decide our next President were behind them). There were no cameras on the nineteenth floor, but they came fast once word of our presence spread. We heard the press was upset too: Only one pool camera was to be allowed to "observe" from behind a glass door about 15 yards from the ballots (hard to zoom in on a dimple from back there). As someone chanted "let the press in," all the camera lights came on (ah ha, if you want the press to listen, defend them). CNN played this footage all afternoon.

Another chant emerged, "No Justice, No Peace," and we learned some news channels were carrying us live because a fellow protester received an e-mail saying, "Just saw you on national TV, chanting 'No Justice, No Peace'...what the heck are you doing???!!!" Typical Republican, the recipient stopped long enough to e-mail back: "I feel like such a hippie."

A sign on the wall said, "Stamp Out Voter Fraud" with a 1-800 number. We started yelling "call now, call now" as the cameras rolled. A protester next to me called the number on his cell phone and told the lady he wanted to report voter fraud. She excitedly asked where, and he said the nineteenth floor of the Miami-Dade county courthouse. She said he would have to come to Tallahassee—a mere 10 hours away— "to fill out a form." He asked if she were watching TV and she said no. He thanked her and hung up.

"Stop the fraud, stop the count!" "Cheaters, cheaters!" The workers from our second-floor holding area brought up bottled water. It's exhausting yelling for 45 minutes straight. A pause ensued as we mobsters broke for *agua*. As important-looking people were escorted in and out of the nineteenth-floor doors, we became louder and more passionate. One man was let through the doors and at least one cameraman followed him. As the door was opened wider for the camera, someone stuck his foot in the door and we all started yelling "Let us in!" (Remember the camera shot of mobsters looking like they were breaking down a door?)

Were we mad, angry, even ticked off? Yes. Were we mobsters? Hardly.

That night on TV the Democratic vice presidential candidate called us mobsters, the black caucus tried to sic the Justice Department on us, *U.S. News* said we were violent, kicking, and punching (they couldn't put that in quotes or find any footage to back up that wild accusation).

After a brief moment of excitement when (we later learned) the local Democratic Party chairman took a ballot which we thought was a real one, but turned out to be just a sample, someone came out of the back room and told us the canvassing board heard our protest and decided to move back down to the eighteenth floor. Cheers and high fives and we left the nineteenth floor as quickly as we appeared—momentary mobsters. It was on the eighteenth floor that the canvassing board stunned us all and cancelled the third recount. It wasn't fast enough nor fair enough to do a partial or a full hand recount, they explained. I'm convinced the 168 votes Gore had reportedly picked up so far in Miami-Dade would have quickly evaporated when we got to the dimples in the heavily Republican precincts remaining.

Two weeks later, on Friday December 8, the Supreme Court of Florida announced the 168 Gore votes from Miami "must" count, even though counting the remaining 200+ precincts would have changed the number. I was screaming at my office TV, "That's not legal, not fair, and that's the whole reason for our nineteenth-floor protest!" I went to bed angry, but awoke to a 1:45 a.m. phone call asking if I could be at the airport in four hours to go to Florida Recount take II.

You bet. A mobster's work is never finished.

Sheila Moloney works (peacefully) for Republicans on Capitol Hill.

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Left-wing

Trash talk

A reply from America's hated heartland

By Blake Hurst

I'm stupid, and if you're reading this, you probably are too. *Chicago Sun-Times* columnist William O'Rourke has named the great center of America—the part represented in red on all of the TV maps of the recent election that, like my fellow Missourians, voted for Bush—as the Yahoo Nation. O'Rourke describes the heartland as "primarily the Deep South and the vast lowly populated upper-far-west states that are filled with vestiges of gun-loving, Ku Klux Klan sponsoring, formerly lynching-happy, survivalist-minded hate-crime perpetuating, non-blue-blooded, rugged individualists." He goes on to say that, except for disputed Florida, "not one major city, nor primary center of creative and intellectual density" voted for Bush, who "will not have won one center of the thinking America."

Slate examined the intellectual heft of the candidates in the recent election, and found George W. Bush wanting, but the magazine wasn't content to let the matter rest there. In fact, according to presidential historian William Leuchtenburg, quoted in another article in *Slate* on the same subject, the last time the Republicans ran a candidate who could compare intellectually to the Democrats' standard-bearer was 1928.

Gore admirer and *New Republic* editor-in-chief Martin Peretz has his own doubts about our President's intellect and ended a recent column by calling George W. the village idiot. Since Bush's SAT scores ranked him at about the 97th percentile of the nation when he took the test, it's clear to anyone not on the most snobbish fringes of the Left that Bush's brain-

> *"[Florida Secretary of State Katherine Harris] is acting in the finest tradition of a Soviet commissar."*
>
> —Gore spokesman Chris Lehane, November 13, 2000

power is clearly up to the task of being President. If the intellectual Left believes we ought to elect a left-winger with a genius I.Q., then why not make the Unabomber President for Life and be done with it?

Not to be outdone, columnist Paul Begala has also weighed in on the states that voted for Bush. In a famous rant he now claims was taken "out of context," Begala writes, "You see the state where James Byrd was lynched-dragged behind a pickup truck until his body came apart—it's red. You see the state

AP/World Wide Photos

Representative Maxine Waters (D-Calif.) said of Attorney General John Ashcroft, "I know a racist when I see one."

where Matthew Shepard was crucified on a split-rail fence for the crime of being gay—it's red. You see the state where right-wing extremists blew up a federal office building and murdered scores of federal employees: red. The state where an army private thought to be gay was bludgeoned to death with a baseball bat, and the state where neo-Nazi skinheads murdered two African Americans because of their skin color, and the state where Bob Jones University spews its anti-Catholic bigotry: they're all red too."

So, not only am I stupid, but I'm bigoted, and probably have a chain in the back of my pickup truck. Actually, I do, but only to pull city folks out of snow banks. I guess that explains why Al Gore always talks so slow—he wants to make sure I can keep up.

But both Begala and O'Rourke are clearly on to something. The 2000 election was one in which the best predictor of your vote was not your income, or your sex, or your occupation, but your zip code. Not that most Bush voters can remember their zip code, but I have mine written down, along with my kids' names, my wife's birthday, and short, concise directions to the nearest Klan klavern.

This condescending attitude toward the middle of the coun-

TAE contributing writer Blake Hurst drives a red pickup with a chain in the back to the First Baptist Church on Sundays. His hometown, Tarkio, Missouri (pop. 2,000), may well be the center of the Yahoo Nation.

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"The Bush operation reminds me of North Korea. You have a group of insanely loyal, fiercely committed lunatics, devoting their lives to slavish devotion of a moron whose only claim to power is that his father used to run the country. George W. Bush is Kim Jong Il with better hair."

—Paul Begala, MSNBC, November 29, 2000

Paul Begala

AP/World Wide Photos

try is not new, but it's never been quite as pronounced as it is now. Begala and O'Rourke are so over the top it's hard to take them seriously, but they are not alone. One *New York Times* columnist was appalled that the Florida Agricultural Director was on the election commission for the state. She didn't elaborate, but one can only assume that New Yorkers don't hold farmers' intellects in high regard. When a Florida judge decided against the Gore campaign, the correspondent covering the story on Fox News—which is normally better than this—pointed out that the judge, although a Democrat, was also a Baptist. I can't imagine what possible bearing that might have had on his decision, except that Baptists are likely to be found in the Yahoo Nation, as everybody knows.

"[Senator] Jesse Helms...is just as much a dictator as Castro."

—Mary McGrory, *Washington Post*, April 27, 2000

The *Omaha World-Herald* sent a reporter along with the press corps covering President Clinton's December visit to Nebraska, and the national reporters' comments were quite revealing. They compared rural Nebraska to Siberia, poked fun at the small town cops patrolling the route the presidential motorcade followed, adopted cowboy accents to ridicule the locals, and refused to sample Nebraska's favorite food, the runza sandwich. The last is unforgivable, as runzas really are good, and the reporters' provincialism prevented them from enjoying one of the main reasons to visit the home of the Cornhuskers.

"You could get rid of every fascist tract in your library if you just had a copy of the Texas Republican platform. (Laughter.)...But let me say this. I don't believe we have to have a negative campaign this year. I don't think we should."

—Bill Clinton, Los Angeles, June 24, 2000

Left-wingers often let their rhetoric slop over the line from their normal condescension toward what can only be described as a sort of hate speech. Congressman Patrick Kennedy (D-R.I.), whose very existence should argue against a stupid monopoly on the right, has let it be known that a vote for a Republican candidate is a vote for fascism. Or as he puts it: "If you're a student of history, as I am, you study history. The fact of the matter is, we've always battled the right wing. There's always been a fascist kind of crowd in every society." Other Democrats on the fascist watch filled the pre-election ether with e-mails targeted at Jewish voters accusing the Bush family of being Nazi sympathizers during World War II. The party of the Kennedy family, those self-proclaimed students of history, ought to be a tad slower to accuse their opponents' ancestors of hidden Nazi sympathies, given their patriarch Joseph Kennedy's infamous German-friendliness as U.S. Ambassador to Britain in the 1930s.

Once you are on the lookout for intemperate speech from the Left, you can fill volumes with nothing but Bryant Gumbel quotes. In fact, picking a favorite Gumbelism is almost impossible. My personal choice is a remark by Gumbel that "'family values,' as you well know, was for a long time a code word for intolerance." More famous, perhaps, is the film clip of Gumbel calling a conservative guest a "f**king idiot." That, however, may well be excusable, because any conservative who opens himself to Mr. Gumbel's tender ministrations deserves to have his judgment called into question.

Dana Milbank of the *Washington Post* was likewise worried about the malign influence of wide open spaces and deer and antelope playing when he helpfully reminded us, after Dick Cheney's nomination for Veep, that "the West, too, brings certain baggage that could hurt Bush in suburban America: militias and gun enthusiasts, big oil and mining, and deep conservatism—as reflected in the fuss over Cheney's voting record. The fact sheet passed out at Cheney's high school didn't mention another alumnus: Matthew Shepard, the gay man murdered down the road from here in 1998." Now, there's a leap of logic not readily followed, but the most gratuitous logic chopping against the Red Zone candidate may be from Patricia Williams, writing in *The Nation*, who asked, "Is it fuzzy math or fuzzy brain that keeps Americans from noting that Bush's margin of victory is about the same as the number of people he has executed in Texas?" There's certainly something fuzzy here, but I'm afraid it's

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Ms. Williams' logic—even though the *Nation* is printed in the intellectually superior part of the country.

The Democrats' most pronounced disdain is for the religious beliefs prevalent in the part of the country that rejected Al Gore. Thirty-seven percent of white Americans with advanced degrees, according to a recent poll, are "intensely antagonistic" toward Christians, observes Princeton's John DiIulio in a review of a book by science historian Richard Rhodes. Rhodes earns a special place in any compilation of anti-Christian rhetoric by blaming at least a portion of the violence committed in America on "the old dogma that the child is inherently evil and requires violent subjugation to chasten." So, according to Rhodes, violence is a result of "fundamental and evangelical" religious belief.

The same sort of anti-religious bias is present in Jane Alexander's recent memoir of her time in Washington, where she headed the National Endowment for the Arts. She credits Gorbachev with single-handedly ending the Cold War, a feat that, according to her, he would have accomplished in an even shorter time without the irrational distrust of Gorby by born-again Christians. According to Alexander, religious conservatives' distrust of Gorbachev stems from their being "convinced that Gorbachev was of the devil because of his birthmark."

Conservatives can be consoled that the media are always on the watch for religious backsliding by either party. Again, our old friend Bryant Gumbel, in a question to Hugh Hefner: "In a macro-political sense, do you think the Gore preoccupation with morality is a frightening turn for the party?"

Yes, sneers and hatefulness seem to flow easily from the lips and pens of those who think every non-liberal is a hatemonger, as *Boston Globe* columnist Jeff Jacoby has noted in his annual round-ups of left-wing hate speech. Consider a few examples from his last collections: "For hypocrisy, for sheer gall, Gingrich should be hanged" (*Washington Post* columnist Richard Cohen). "George Will can just take his hood and go back wherever he came from" (Democratic Senator Carol Moseley-Braun). "Beneath the dullness [of Independent Counsel Ken Starr] lies pure evil" (*Washington Post* TV critic Tom Shales). And then there's Paul Conrad, a *Los Angeles Times* cartoonist who sketched the man who shot up a Jewish community center, then killed a Filipino mailman; the bigoted murderer was labeled "a faith-based compassionate conservative."

"If we were in other countries, we would all right now, all of us together—all of us together would go down to Washington and we would stone [Congressman] Henry Hyde to death! We would stone him to death! Wait! Shut up! Shut up! No, shut up! I'm not finished. We would stone Henry Hyde to death and we would go to their homes and we'd kill their wives and their children! We would kill their families!"

—Alec Baldwin, "Late Night with Conan O'Brien," December 11, 1998

"[President-elect Bush will] preside, but not govern, because he took this by Nazi tactics."

—Jesse Jackson, Fox News Channel, December 12, 2000

AP/World Wide Photos

Jesse Jackson

The party of the intellectuals and the sophisticates was presented with something of a problem in the recent Florida dust-up, as their main argument for a change in the outcome was, as far as I could tell, that their voters were too stupid to vote their ballots correctly. Of course, the quotations compiled here don't suggest the Left believes it can build a majority while only attracting those with high SAT scores or graduate degrees. Instead, the elite exhibits a rather poorly hidden impatience with the middle of the country, which refuses to acknowledge the superiority of the chattering classes. Gore won the popular vote while losing that vast area of the map shaded in red, because his margin in the 647 counties he won was so much greater than the amount by which he lost the 2,434 counties of the Yahoo Nation.

The great middle of the country is ridiculed for its mulish adherence to church, family, and community, but the irony is that this characteristic loyalty benefits the Left—because many rural and small town voters maintain traditional ties to the Democratic Party. But the obvious and public derision on the part of our betters in the "intellectual centers" of our nation is dissolving those bonds, and someday, perhaps, the Yahoo Nation will repay that disrespect with the kind of margins for the "Red" party that Democrats now enjoy in their most solidly one-party urban precincts.

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In Real Life

First-person America

TALL LATTE, HOLD THE RUDENESS

By Susanna Monroney Luddy

WASHINGTON, D.C.—In the early morning, I enjoy walking my baby girl through the neighborhood, getting coffee, and watching her absorb the world around us. During a recent Starbucks stop, the woman in front of me felt she had been waiting too long and barked at the young man behind the counter. He apologized profusely, yet she continued to scold him to the point of embarrassment.

I stood there holding my one-year-old daughter, Jocelyn, wondering if she was noticing this woman's behavior. I thought about the previous day at Moto-Photo, where Jocelyn had witnessed another woman screaming at an employee. And last week at a gift shop, where she had watched the store manager berate a customer. Someone's order was wrong, and the store clerks were not only unwilling to help but downright insolent. I wondered how long before my little girl decides that rudeness is acceptable.

Right then at Starbucks, I decided to take a stand. I said to the rude woman, "They are busy and working very hard, and I think you were rude." She turned to me and my daughter and snarled, "Well, you may be able to sit around all day with your baby, but I have to get to work." Then she stormed off. As I left the store still in disbelief, she drove up to me and shouted, "Mind your own business!"

Clearly this woman thought my business was to go home and sit around all day. *Au contraire.* In addition to my new goal of promoting civility in this busy city, I'm a mother. I am responsible for shaping the character of a child into a young person who (I hope) will never imitate the rudeness she is hearing all around her.

Since she was born, it seems as if every time I've been dressed nicely and rushing out the door with her, Jocelyn has spit up or needed a diaper change. But I clean her up as fast as I can, hug her, and tell her I love her. My schedule is much less important than her feelings. I want her to learn that when we're frustrated or rushing, it's not a license to be unkind to others.

I often hear people order a clerk, "Give me a tall coffee!" Is it so much trouble to say, "May I please have a tall coffee." When I hand my daughter her bottle, I tell her to say, "Thank you," in hopes she'll learn to repeat the phrase and understand its importance. Currently, she grabs it and sticks it in her mouth like she hasn't had a drink for a week, but we are working on it.

> When Elaine's kids whine for something, she says, "Are you whining? Is that a nice way to ask for something?"

When I first gave her cookies, I'd break them in two and ask, "A piece for Mummy, please?" Now she won't eat anything without offering me some also. Tonight she tried to share her bottle with her doll. She will play with a toy herself for a moment and then hand it to me. She has learned to enjoy sharing.

Sometimes she cries because she is hungry or has a wet diaper. Other times, she is just testing me. I have spied on her in her crib: She will stand there and scream for a minute, then sit down quietly and wait for me to come running. When she doesn't hear me, she stands up and screams again. It would be easier to give in to her than to listen to her scream. But if she doesn't learn who is in charge now, when will she develop an understanding of authority or respect for others?

My friend Elaine has two toddlers, aged two and four. When her older daughter grabs a toy from her younger son, Elaine quietly dissolves the crisis. "Is that kind? I don't think taking something away from your brother is a kind thing to do," Elaine says. "I don't think you want to make him feel badly." More often than not, her daughter hands the toy back with an apology. Such empathy does not arise spontaneously in children. It is nurtured and developed with patience and creativity. And not by parents who sit around all day.

When Elaine's kids whine for something, she says, "Are you whining? Is that a nice way to ask for something?" If they ask again more politely, they are rewarded with their request. If they respond with a tantrum, she tenderly gives them one more chance to redeem themselves. If they do not, they go to their room. She loves them dearly and is teaching them the valuable lesson that there are consequences to their actions.

There are impolite and disorderly people in the world, and I don't want my child to become one. It is hard work to offset the examples set by the woman in Starbucks and the rude store manager. Raising my daughter to be a virtuous, civilized person requires constant attention, effort, and patience. There is very little "sitting around" involved.

Motherhood is full of struggles, and I am far from perfect. But it is the most rewarding vocation I can imagine. The job of raising children deserves the respect of everyone, no matter how long they have to wait for their coffee, or how late they are to their office.

Susanna Monroney Luddy, a realtor and freelance writer, raises Jocelyn in Washington, D.C.

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Flashback

TO KNOW NOTHING OF WHAT HAPPENED BEFORE YOU WERE BORN IS TO REMAIN EVER A CHILD—*Cicero*

The Elector Defector

The Electoral College has shut down for another four years. Gore-y fantasies of "faithless electors" escaping their ironclad lockboxes and bolting from Bush to Prince Albert have come to naught. Apparently the Republicans have learned something about vetting electors since 1972, when a GOP elector deserted—and did so quite predictably. For the '72 renegade, Roger Lea MacBride, had written a book 20 years earlier in which he praised the conscience-driven elector as a vital, if all too rare, feature of the Electoral College. Sometimes authors mean what they write.

As a lad of 16, Roger MacBride, a Coke-bottle spectacled son of a *Reader's Digest* editor, fell under the spell of a family friend, Rose Wilder Lane, daughter of Laura Ingalls Wilder of *Little House on the Prairie* fame. Rose, a libertarian globetrotter and popular journalist who once rejected a marriage proposal from King Zog of Albania, had become a *cause célèbre* when she refused to accept a Social Security number. ("I will have nothing to do with that Ponzi fraud because it is treason; it will wreck this country as it wrecked Germany. I won't have it; you can't make me," she declared.)

The childless Lane made MacBride her "adopted grandson," a winning lottery ticket if ever there were one. He became heir to the *Little House* fortune, which is ample enough to build big houses from one end of South Dakota to the other.

As a young lawyer, MacBride wrote a little book titled *The American Electoral College* (1953) in which he proposed a "district system" similar to that now in use in Nebraska and Maine; electors would be awarded by congressional district, with two bonus electors given to the winner of the state. "The district mode was mostly, if not exclusively, in view when the Constitution was framed and adopted," explained James Madison, but largely abandoned as states sought to maximize their relative influence by delivering their electors as a bloc to the victor.

MacBride deplored deviations from the Founders' intent, for instance the fact that "Electors almost never exercis[e] independent judgment." They had become mere "mechanical men," drones who in some states are forbidden by law from voting their conscience.

MacBride urged an "attempt to restore to the members of the Electoral College some of the function of independent thinking and action assigned to them by the Federal Convention." In this he was echoing Madison, who in 1823 had endorsed the independence of electors: "altho' generally the mere mouths of their Constituents, they may be intentionally left sometimes to their own judgment, guided by further information."

MacBride's book disappeared without a trace, and in 1972 the champion of the faithless elector was chosen by the Virginia Republican Party as a Nixon-Agnew elector. It would seem that the fabled Nixon intelligence team, otherwise occupied at the Watergate, failed to do the necessary background check.

Meanwhile, at a much less pricey (if bug-less) hotel 2,000 miles westward—the Denver Radisson—the Libertarian Party was born. In that Watergate June of 1972, 100 devotées of laissez-faire—Ayn Rand readers, free marketeers disgusted by the Nixon administration's imposition of wage and price controls, and congenital rebels—nominated for President John Hospers, an eminent philosopher from USC who once almost flunked a football-swift but classroom-slow jock named O.J. Simpson. "Humbled, dubious, and a bit frightened," Hospers ran a thoughtful and low-key campaign; his name appeared on the ballot in just two states. When he told a colleague at USC that he was running for President, the impressed pedant replied, "President of the Faculty Council?"

MACBRIDE'S FAITHLESSNESS EARNED HIM THE LIBERTARIAN PARTY'S NOMINATION.

But Hospers had a secret. Roger MacBride had phoned the philosopher to tell him that he intended to cast his electoral vote for Hospers and running mate Tonie Nathan, thus ensuring that the first woman to receive a vote in the Electoral College had no familial ties to organized crime.

The Hospers-Nathan ticket received just 3,673 votes, but the big surprise came one month after election day, when Vice President Spiro Agnew announced to a befuddled nation that one electoral vote had been cast for John Hospers of California, placing him just 16 electoral votes behind George McGovern.

Roger MacBride's faithlessness—or was it fealty to a higher principle?—earned him the Libertarian Party's 1976 presidential nomination, but this time around there were no refractory libertarians lurking on the greensward of old Electoral College.

MacBride's bolt invigorated the newborn Libertarian Party, and it taught the older parties a valuable lesson: When appointing electors, stick with hacks. And never choose a man who has written in praise of the faithless elector.

—Bill Kauffman

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Beat the Press

THE HAND THAT RULES THE PRESS...RULES THE COUNTRY—*Judge Learned Hand*

The Soft Bigotry of Double Standards

Here's one thing we learned from the post-election Florida folderol: Black "leaders" can say anything, and the mainstream press will take it seriously.

"This is a replay of Selma all over again," Jesse Jackson declared. He yelled that "Holocaust survivors have been disenfranchised" deliberately. He repeatedly spoke of the "blood of blacks and Jews." Amidst calls from all sides to cool down the rhetoric, Jackson saw nothing wrong, factually or morally, with telling actual Holocaust survivors that, in effect, it was happening all over again. With not a single Bull Connor night stick, German shepherd, or even a nasty word in evidence, Jackson told blacks Jim Crow was back.

And this was all during the first week after the election. It's hard to imagine what—short of declaring a nuclear attack is minutes away, or perhaps that Filene's is having a clearance sale—could be more inflammatory to Palm Beach voters. Good thing the sober, truth-squading *New York Times* was there to cut through the hyperbole: "Mr. Jackson has been careful not to be inflammatory," *Times* correspondent Lynette Holloway wrote on November 13, "which may be one reason the Democratic National Committee has changed its mind about his involvement."

Not one allegation by Jackson & Co.—about blocked polling places, "targeted" blacks and Jews, harassed immigrants—was ever brought before an actual judge because they were all lies. But the press simply turned a blind eye. Is it conceivable that a white Republican could invent lies about blacks or gays or, well, anyone who could lay claim to being a victim, without the *New York Times* and Dan Rather unleashing hordes of truth-squaders?

Some years back Al Sharpton attempted to frame innocent men for a non-existent crime, ruining the lives of the accused and damaging race relations for years. Yet he's treated like Gandhi with a Jerri-curl by many reporters because he's the "authentic voice" of a "disenfranchised constituency." Yawn. He's a con man. Louis Farrakhan gets a wonderful megaphone on shows like "Meet the Press." Nice liberal reporters feel compelled to earn their merit badges by challenging Farrakhan's comments about Judaism (the "Synagogue of Satan") or what some of his lieutenants have uttered about, say, the Catholic Church (the Vatican is run by "a lot of white faggot boys").

But this just plays into his hands by allowing him to "stand up" to whitey. Few interviewers—Ted Koppel excluded—are willing to embarrass Farrakhan by asking about his numerous loopy claims: that he's flown around in a space ship talking to the late Elijah Muhammed (the ship dropped Lou off outside Washington); that the sci-fi movie *Independence Day* is more or less a true story; and that the number 19 provides the secret to everything from the Book of Revelation to how to get your VCR to stop flashing "12:00 am."

If absolute power corrupts absolutely, so does absolute unaccountability. But when the once revered NAACP ran ads this year suggesting Bush favored racist murder, the media agonized about offering any criticism. Except for Fox News, no network examined the ad's propriety, but several did go ballistic over some Republican ads they imagined to be racist.

Any institution or community would go off the deep end if it received such wildly favorable press. If you kept spouting your every crackpot theory and the media either applauded you or saluted your assertions with uncritical silence, wouldn't you start to believe everything you said, or at least think there's no down side to saying outlandish things? Most significantly, wouldn't you start to wonder—if you're the dashboard saint of Dan Rather and the *New York Times*' editorial board—why the government isn't doing what you demand?

Let's pick on Jesse again. For the overwhelming majority of his opponents, the problem with Jackson has nothing to do with the fact that he's black; it has to do with the fact that he's red, for want of a better adjective. Jackson and his colleagues in the civil rights leadership regularly claim racism explains all opposition to them, but in truth Jackson is simply on the leftist fringe. His economics are the sort taught in the very best French universities. In the '80s he hugged dictators Castro and Ortega, not as a dove but as a capitulationist. When he ran for President, he probably did better, not worse, than a white candidate with the same agenda would have.

Unfortunately, it's almost impossible to exaggerate the degree to which the media have adopted the left-wing propaganda that (a) being black means being left wing and (b) opposing left-wing blacks is racist (alas, this propaganda has also worked nicely among rank and file blacks). Peter Jennings of ABC, for instance, asked Colin Powell if he isn't a GOP Uncle Tom: "Do you ever feel that maybe this is the professional wing of the party trying to use you?"

Call it the soft bigotry of double standards: Clarence Thomas and Colin Powell get a hard time because they are insufficiently black; Jackson and Sharpton and Farrakhan get a free ride because they are *sufficiently* black.

—Jonah Goldberg

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Honest Drugs

A scene from *Traffic*.

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Sometimes movies earn their keep by providing a picture of where we stand. When it comes to preventing the illegal drug trade, we stand on shaky ground—every inch of which is covered by the ambitious and exhaustive *Traffic*.

Proponents of drug legalization have rushed to claim *Traffic* as their own; *Rolling Stone*, for instance, heralds the film as part of a tradition of "scorching muckrakers." But observers with less smoke in their eyes will see that the movie gives just about everyone his say. Drug Enforcement Agency (DEA) agents, traffickers, addicts, and the U.S. anti-drug czar all weigh in during the course of this sprawling fictional story. There's even a scene at a Washington cocktail party in which the wandering camera catches real-life politicians spouting off on the issue. ("Stand up and be independent," Republican Senator Orrin Hatch tells the newly appointed czar. "Use your bully pulpit.")

Traffic remains independent throughout, acknowledging the havoc created by our drug trade, the necessity of controlling it, and the mistakes that can be made trying to do just that. The movie's far-ranging narrative intertwines stories that cover everything from affluent teenage addicts in suburban Cincinnati to corrupt officers in the Mexican army. The movie jumps from bleached deserts to cool blue corridors in Washington, D.C., all tied together by director Stephen Soderbergh's inventive use of quick edits and overlapping dialogue. The whole thing plays like a state of the union speech peppered with cinematic pizzazz.

Based on a series that originally aired on British television, *Traffic* strikes chords both home and abroad. In Mexico, the movie follows a side-dealing street cop, played with conflicted weariness by Benicio Del Toro, who's forced to decide just how much his morals will bend when he's tapped by a Mexican general to help wage war against a Tijuana drug lord. (It turns out the general's on the payroll of a rival dealer.) "In Mexico, law enforcement is an entrepreneurial activity," one character says, echoing the greedy desperation in Del Toro's eyes.

The situation is not as corrupt in the States, but it can be just as dispiriting. Exuding grit and determination, Luis Guzman and Don Cheadle play DEA agents who have nabbed a mid-level dealer in San Diego and are now on the hunt for his boss. In a move worthy of Al Capone, that boss tries to take out his dealer before he can testify, killing the agent played by Guzman in the process. "What would be the harm if my drugs had gone through?" the dealer needles Cheadle after the botched assassination attempt. "Your partner would still be alive."

Perhaps, but the movie points out that letting those drugs through would have meant others would be dead, including some of the many teenagers who have re-embraced drug use in the last few years. One of those teenagers turns out to be the 16-year-old daughter of Robert Wakefield, the anti-drug czar played in the movie by Michael Douglas. An Ohio Supreme Court Justice who's intensely focused on rising through Washington's ranks, Wakefield never takes the time to find out what's happening in his own daughter's life. His wife, who admits to indulging in drugs herself during the '60s, dismisses their daughter's adventures as youthful "experimentation"—at least until the girl disappears from home after robbing them of their valuables, only to be found trying to sell herself to a street dealer for one more hit.

As if to cement its balanced stance, *Traffic* ends with parallel scenes, one emphasizing the frustrating disappointments of the war on drugs, and another hailing the brave persistence of those who wage it. Resigning from his national post after putting his daughter into rehab, Wakefield pontificates against the idea of a drug war on the grounds that it means "members of your own family are the enemy. And I don't know how you wage war on your family." Very much looking to protect families, however, are DEA agents such as the one played by Cheadle, who crashes an acquittal celebration being thrown by the San Diego drug boss in his palatial home. The boss's bodyguards drag him away with condescending grins, but it's the agent who has the last laugh: He staged the whole scene just to get close to the boss's desk, where he planted a listening device that may one day send him to jail for good.

If we are to make progress in the war on drugs, it will take this agent's sort of perseverance. Though not a consistent rallying cry for criminalizing drug use, *Traffic* at least honestly depicts the disastrous damage done to our national fabric by narcotics. And with drugs now being re-romanticized in some quarters, that alone is valuable.

—Josh Larsen

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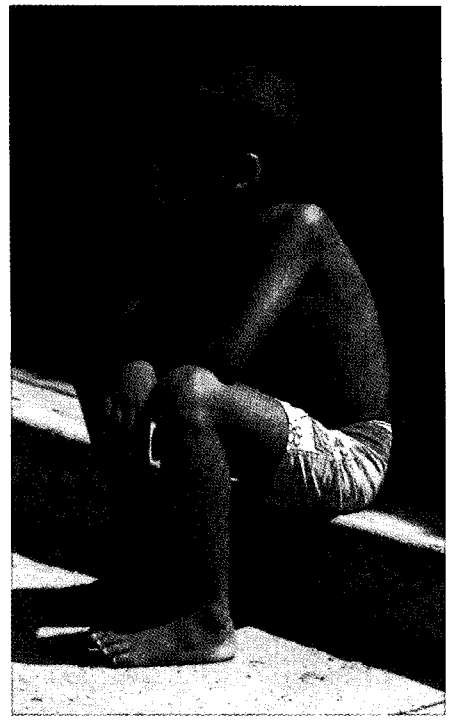
the Welfare Economist

What the Poor Need Most

By Joel Schwartz



For much of the twentieth century, it was generally assumed that to help the poor, one must give them money, because that was what they chiefly needed. Today a new consensus has arisen on helping the poor. In the words of a 1987 manifesto (published by AEI) that accurately forecasted the evolution of welfare policy, "low income is in a sense the least of [the] problems" of many among the poor, for whom "a failure to take responsibility for themselves and for their actions is at the core." While it is easy to transfer money, "to overcome behavioral dependency requires a much more human, complex, and difficult engagement."

Dependency cannot be overcome by income transfers, but it can be overcome by the promotion of the habits or virtues that foster self-reliance. The "difficult engagement" of contemporary anti-poverty policy lies in its attempt to encourage the virtues of thrift and diligence.

To some extent, the effort to encourage these virtues is self-contradictory, because it amounts to subsidizing self-reliance. For example, if a welfare mother eager to work is given a subsidy to help pay for transportation to her job (or for child care), is she self-reliant (because she is working) or dependent (because her work-related expenses are subsidized)?

The obvious answer is, both. Policies designed to promote thrift and diligence recognize that self-reliance and dependence are not all-or-nothing propositions. Subsidies for transportation and child care aim to wean the poor from absolute and prolonged dependency. They offer an incentive, or at least reduce a disincentive, in the hope of promoting virtuous behavior and assisting the poor in gradual steps to more and more self-reliance.

Encouraging the virtue of thrift certainly helps the poor to help themselves. Some of the reforms in this area reverse long-time welfare policies. For example, in the pre-reform welfare system persons who received Aid to Families with Dependent Children routinely had their assets seized if they saved more than $1,000. This strongly discouraged saving among the poor. A 1997 survey of credit union members with low incomes found that 49 percent of the recipients of public assistance among them agreed that "I would save more, but the government would cut my benefits if I did."

The 1996 welfare reform law permitted states to raise these limits, in order to reduce welfare recipients' disincentive to save. As of now, almost all states have increased asset limits.

In addition to removing disincentives to saving, the movement to encourage thrift among the poor also incorporates efforts to reward poor people who do save. "Typically, the poor have been told they should work hard and save more," observes Michael Sherraden, the leading proponent of policies designed to increase the savings of poor Americans, "but historically, there have been few programs or incentives to encourage them to do it."

How might the poor be encouraged to save? Sherraden advocates the creation of Individual Development Accounts or IDAs, which are modeled on the IRAs popular with the middle class. In an IDA, deposited funds (and the earnings they accrue) are either tax-exempt or tax-deferred. The funds cannot be withdrawn to pay for immediate consumption, but instead can be used only for specific purposes that require long-term saving—for example, purchasing a first home, paying for education or job training, or opening a small business. For poor people, the government matches any contributions made to an IDA account, and requires recipients of IDA funds to attend financial education classes.

The states were given power to create IDA programs as part of the 1996 welfare reform bill. As of the end of 2000, 29 states had done so. Foundations have also been interested in experimenting with IDAs. In 1997, the Downpayments on the American Dream Policy Demonstration was launched with a six-year, $8 million grant from the Ford, Joyce, and Charles Stewart Mott Foundations, and an additional $4 million from local partners, such as churches, corporations, and banks. The project has set up about 2,000 IDAs in 13 cities.

Although IDAs promise to do much good by encouraging the discipline of

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saving among the poor, they are not a panacea. Some poor people don't make enough money to save, and others lack the capacity for self-denial. But as Tom Riley observes in *Philanthropy*, "by requiring participants to make a very real (if short-term) sacrifice, and by insisting on the financial education component, IDAs can, by design, sort out the people that they *can* help from those that they can't."

The virtue of diligence—sticking to one's work—is, of course, the central premise of the nation's reformed welfare system. As *New York Times* reporter Jason DeParle put it in 1997, "If the emerging programs share a unifying theme, it can be summarized in a word: *work*. States are demanding that recipients find it faster, keep it longer, and perform it as a condition of aid. Most states regard even a low-paying, dead-end job as preferable to the education and training programs they offered in the past."

As is well known, this emphasis on work has been accompanied by a notable drop in the welfare rolls. Admittedly, even proponents of welfare reform recognize that in some respects it is still too early to celebrate its unequivocal triumph. A 1998 General Accounting Office report—while quite supportive of the reform—nevertheless makes clear that many important questions remain unanswered: We don't yet know the extent to which families who have left welfare will later return to it. We don't yet know how economically stable families are after leaving welfare. We don't yet know what happens to children who lose assistance because their families fail to comply with the new requirements of welfare programs. We don't know how the welfare rolls will be affected by a weak economy.

Still, one pessimistic reading of the evidence is misguided, namely, that welfare rolls have dropped only because the most easily employable "cream" of the welfare population found jobs. The real test, it is argued, won't come until later, when attempts are made to find jobs for hard-core recipients like the homeless, the addicted, the battered, the disturbed, the illiterate, and the criminal, who perhaps composed as much as one-third of the original caseload.

Now common sense certainly suggests that those who have left the welfare rolls already are the ones who are comparatively employable, and that those who remain on the rolls are less so. But

THE GOAL OF WELFARE REFORM RIGHTLY UNDERSTOOD IS ULTIMATELY LESS ECONOMIC (CUTTING WELFARE COSTS) THAN MORAL (ENCOURAGING SELF-RELIANCE, EVEN IF IT'S ONLY PARTIAL, SUBSIDIZED SELF-RELIANCE).

on another level, this line of argument is seriously wrongheaded: It implies that what was in fact a scandal of the old system—the dependency, in some cases the prolonged dependency, of employable persons—actually points to a failing of the new system.

The welfare rolls may currently include a significant number of people who are unemployable. Nevertheless, the current employment of many past recipients is a *triumph* of welfare reform today, not an indication of its likely failure tomorrow. Much if not all of the "cream" of the welfare population should not have been on welfare in the first place, and a system that encouraged their dependency must have been gravely flawed, while one that liberates them from dependency deserves celebration.

Yes, the hiring of employable welfare recipients was obviously helped along by the great economic prosperity of the 1990s. But prosperity can't have reduced the rolls all by itself. As Michael Barone of *U.S. News and World Report* observes, the rolls surged upwards during the 1960s, despite considerable economic expansion and job creation. So the recent decline in the number of welfare recipients is due in part to an increased acknowledgment of the moral dangers of prolonged dependency. This altered moral understanding returns us to something like the perspective of the moral reformers of the nineteenth century—insightful advocates of virtues like diligence and thrift—whose story I relate in my new book, *Fighting Poverty with Virtue.*

The goal of welfare reform rightly understood is ultimately less economic (cutting welfare costs) than moral (encouraging self-reliance, even if it's only partial, subsidized self-reliance). As author Daniel Casse explains, it's wrong to think the welfare debate "was ever about the amount of money the country was spending." If the billions of tax dollars spent in recent decades "had gone into a poverty assistance program that had actually helped to foster stable families, safe and clean public housing, higher achievement in education, and a reduction in illegimate births, no one would ever have complained about a welfare 'crisis' in the first place." Instead of focusing on the non-problem of money, the current reform forces "both federal and state governments to take seriously the idea that welfare policy can deter, or encourage, behavior."

In different and in some respects contradictory ways, public policy and the charitable practice of faith-based organizations are already doing much to encourage the poor to fight poverty with virtue. Nevertheless, the promotion of virtue is not exclusively—perhaps not even primarily—a matter for public policy and charity. To some extent it may be easier to encourage virtues like diligence and thrift (and sobriety and familial responsibility) by means of personal example than by government edict. If we want to encourage the poor to practice these virtues (as we should and must), it would be no small thing for us to act as if we believed in them by practicing them ourselves.

Joel Schwartz, a contributing editor to Philanthropy, *is the author of* Fighting Poverty With Virtue: Moral Reform and America's Urban Poor, 1825-2000.

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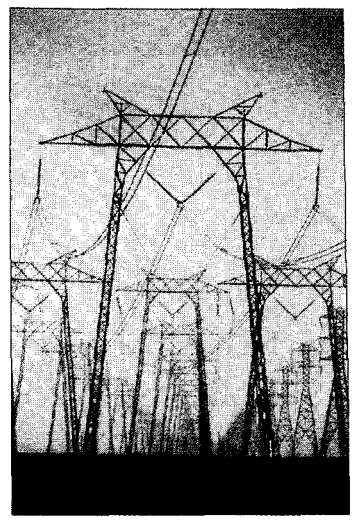
SUMMARIES OF IMPORTANT NEW RESEARCH FROM THE NATION'S UNIVERSITIES, THINK TANKS, AND INVESTIGATIVE PUBLICATIONS



ECONOMICS AND BUSINESS

A Mixed Record in Telecom

Thomas W. Hazlett, "Economic and Political Consequences of the 1996 Telecommunications Act," in *Regulation* (No. 3, 2000), Cato Institute, 1000 Massachusetts Avenue N.W., Washington, D.C. 20001.

In 1996, Congress passed the Telecommunications Act, a major overhaul of the regulations of the telecommunications industry. In 1982, AT&T was broken up into several regional companies known as Bell Operating Companies (BOCs). Barred from entering the long-distance market, they could maintain monopolies on the local level. The Telecom Act allowed BOCs to offer long-distance service, but only if they convinced the Federal Communications Commission (FCC) it was in the "public interest" and passed a 14-point checklist. So far, few local monopolies have been allowed to enter the long-distance market.

The Telecom Act has led to some progress in local competition, but the costs of competing with a local telephone monopoly means few companies even try. Newer, smaller firms currently account for only 2.5 percent of the market, but after studying stock market returns, American Enterprise Institute scholar Hazlett concludes the act provided "positive but modest" support for local competition.

The act also fostered cable TV competition by deregulating prices in 1999. And repeal of some local zoning ordinances barring direct broadcast satellites allowed more use of home satellite dishes.

Still, much work remains to be done, particularly in removing the remaining barriers blocking the BOCs' entry into long-distance markets.

Keep Regulators Honest

Robert W. Hahn, "State and Federal Regulatory Reform: A Comparative Analysis," in *The Journal of Legal Studies* (June 2000, part II), University of Chicago Press, Journals Division, Box 37005, Chicago, Illinois 60637.

American Enterprise Institute resident scholar Hahn reports that states are struggling to implement cost-benefit analyses of regulations.

About one-third of the states have some sort of economic review of regulations, but many of these are toothless. In 1988, for example, New York Governor Mario Cuomo required state regulators to show new rules made economic sense. Regulators simply filled out the required forms and continued to impose burdensome regulations. One law required hotels to place reflective room numbers at the bottom of doors, after a sixth-grader suggested this would help guests see where they were going when crawling during a fire.

Elected in 1994, Republican Governor George Pataki told the Governor's Office of Regulatory Reform to deal with excessive regulations. He claimed the office saved taxpayers $600 million. But many repealed regulations (such as the reflective door signs) were instituted when the state supposedly had tough cost-benefit rules.

"Vague statutory language and a lack of oversight," Hahn reports, "often allow agencies to comply only partially" or not at all. Although 32 states use some sort of cost-benefit analysis, only ten have independent agencies empowered to review regulations. Only five of 20 large states Hahn surveyed have agencies in the executive branch empowered to block or change new rules. The rest leave that power to the legislature, which often fails to act.

SOCIETY

Info Age Evolution

Joel Kotkin, *The New Geography: How the Digital Revolution Is Reshaping the American Landscape*. Random House, 299 Park Avenue, New York, New York 10171.

The dispersal of manufacturing and the rise of the Internet and telecommuting puts the future of big cities in question. Kotkin, a contributing writer to *TAE*, suggests "communities can only survive and prosper by becoming something more than soulless zip codes of brick and glass interconnected by fiber-optic cables." He believes new types of communities are slowly evolving. Among them:

• "*Nerdistans.*" Smart people who work for computer-centered enterprises tend to be anti-hierarchical free spirits with little leisure time. They tend to like working in campus-like office complexes easily reached by boulevards which avoid urban blight. As engineers, they like cities that are orderly and perhaps a little

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bland, preferably located near large universities with strong science departments; for example, Irvine, California; Austin, Texas; and the Raleigh-Durham area of North Carolina.

◦ "*Valhallas*." The wealthy often dream of fleeing the city for the country. But not all parts of rural America will benefit equally from anti-urban impulses. Wealth creators tend to move to places with exciting, vibrant landscapes, such as country towns in New England, the foothills of western North Carolina, and the valleys and foothills near the great Western mountain ranges. Less well-off people will head to slightly less desirable areas, such as St. George, Utah, and parts of rural Florida. Flat areas of rural America including the Great Plains and the Midwestern prairie, will attract relatively few newcomers and suffer economically.

Kotkin also examines two "magnificent anachronisms," New York City and Chicago. While other northeastern and midwestern cities have steadily lost people and businesses to their suburbs, these remain desirable to people and corporations because they still contain a large number of "service providers, academics, think tanks, and artists." Even in today's electronic world, many business transactions are done in person, and large cities attract the childless artist or policy analyst eager to advance.

Cities used to have a range of residents, but Kotkin predicts they will become more specialized. L.A. will remain the global entertainment capital because film and TV producers know they can quickly hire actors, designers, technicians, and writers there. San Francisco used to have heavy industry; the warehouses these firms vacated have now become homes for Internet start-ups.

Along with the rich and the bohemian, older cities will still house "a largely dysfunctional underclass which has no place else to go." Kotkin concludes, "This looming prospect of a society deeply divided between rich and poor is one that should most haunt civic elites as they enjoy the rosy edges of this technological dawn."

Terminate Section 8

Howard Husock, "Let's Eliminate Housing Vouchers," in *City Journal* (Autumn 2000), Manhattan Institute, 52 Vanderbilt Avenue, New York, New York 10017.

Most recipients of government housing subsidies don't live in public housing. Thanks to "Section 8" public housing vouchers, they can live anywhere; 1.7 million Americans receive Section 8 vouchers, costing the Department of Housing and Urban Development $13 billion per year, one-third of its budget.

Husock, of Harvard's Kennedy School, thinks the Section 8 program should be abolished. The middle-class black neighbors of these Section 8 recipients, he writes, tell him Section 8 "undermines and destabilizes their communities by importing social problems into their midst."

Section 8 provides recipients with a voucher of up to $1,300 a month, to be given to a landlord as a rent supplement. By law, three-quarters of Section 8 vouchers must go to households with incomes less than 30 percent of the national average. Unlike welfare, there is no time limit on receiving assistance.

Advocates of Section 8 hoped poor people would use the vouchers to move to good neighborhoods and better themselves. What has happened, Husock argues, is that the cities with Section 8 recipients become worse off. He agrees with Senator Barbara Mikulski (D-Md.): Section 8 replaces "vertical ghettos with horizontal ones."

Husock studied three cities bordering Chicago's South Side. As the number of Section 8 recipients rose, the quality of the community declined, student achievement steadily dropped, and crime rates rose so much that one city had to increase its police force by 35 percent. To pay for the new police, property taxes rose, driving out struggling working-class families which lacked subsidies.

Given Section 8's poor job of freeing people from poverty, Husock proposes abolishing it. Current Section 8 recipients would be housed in existing public housing complexes, where single mothers could stay for no more than two years and would be required to attend classes on parenting and marriage. Instead of vouchers, he thinks it better to increase the Earned Income Tax Credit and cut Social Security taxes (which particularly hurt the poor).

These changes would mean that to gain better housing, the poor would "have to adopt the habits of thrift and discipline that would win favor with middle-class neighbors."

Save Our Schools: Cut Taxes

Darcy A. Olsen and Matthew I. Brouillette, *Reclaiming Our Schools: Increasing Parental Control of Education Through the Universal Tax Credit.* Cato Institute, 1000 Massachusetts Avenue N.W., Washington, D.C. 20001.

Olsen of the Cato Institute and Brouillette of the Mackinac Center suggest a good way to expand school choice is through the establishment of a "universal education credit." Under Olsen and Brouillette's proposal, anyone could receive a tax credit by directing that a portion of their taxes be used to pay part of the cost of educating a child. Corporations could also receive the tax credit by awarding scholarships.

The authors base their proposal on reforms enacted by Arizona in 1997. Arizona residents may deduct up to $500 of their state tax bill if they send the money to a "scholarship organization." By 1999, 31 of these scholarship organizations used $13.7 million in tax credits from 31,000 families to award scholarships to 7,000 deserving low-income students.

A universal education credit would enable citizens to provide assistance to families who don't earn enough to take advantage of a tuition tax credit. It would also allow corporations to redirect their tax bills toward local schools. While the Supreme Court has never ruled on tuition tax credits, a 1983 ruling deemed tuition tax deductions constitutional. Thus a universal education credit might avoid the church-and-state issues that have plagued school vouchers.

"The universal education credit," Olsen and Brouillette conclude, "is one way to ease the financial discrimination against families seeking independent education for their children."

OTHER COUNTRIES

Will China Become Democratic?

Arthur Waldron, "A Free and Democratic

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China?" in *Commentary* (November 2000), 165 West 56th Street, New York, New York 10022.

Waldron, director of Asian studies at the American Enterprise Institute, suggests a democratic China could emerge as the result of prolonged upheaval.

China has never been a democracy. In 1908, the Chinese emperor promised to create an elected legislature, but hadn't done so by the time Sun Yat-sen overthrew the empire in 1911. Sun and his successor, Chiang Kai-shek, created some organizations that appeared democratic, and occasionally held elections. But in reality Sun and Chiang were both strongmen, comparable to Spain's Franco or Italy's Mussolini.

Waldron offers several paths for Chinese democracy. One would be for the smartest scholars in China (such as the academicians recently purged for their liberal views) to create a commission on ways to implement press freedom and create political parties. Then the commission could inspire Chinese leaders to abandon authoritarianism, in the same way Taiwan's wisest scholars convinced President Lee Teng-hui to make his country democratic in 1990. While non-Chinese parts of China such as Tibet and Xianjing might become independent, the rest could evolve into an Indian-style democracy, with regional parties uniting to form a coalition government.

Another possibility is China could splinter in a way similar to the USSR. If so, democracy would happen "piecemeal and over a much longer period of time." Neo-Communist governments could emerge in China's less prosperous central region, comparable to the semi-authoritarian governments that have arisen in Central Asia. But it's also likely the nation's productive coastal regions (most notably Guangdong province, near Hong Kong) would also evolve into stable democracies similar to Taiwan.

Because change will come to China, Waldron argues, the U.S. should not assume China's Communist rulers will maintain power indefinitely. American diplomats, he believes, "seem to be simultaneously betting on the current regime and recusing ourselves from any consideration of the crisis it will almost certainly face before long."

The Politics of Tuna

Theodore C. Bestor, "How Sushi Went Global," in *Foreign Policy* (November/December 2000), Carnegie Endowment for International Peace, 1779 Massachusetts Avenue N.W., Washington, D.C. 20036.

Globalization isn't just about faceless international organizations and arcane treaties. According to Cornell anthropologist Theodore C. Bestor, it's also the reason you can get a sushi dinner at your local restaurant. Japanese tuna buyers, he argues, have helped inspire sushi eating around the globe.

The Japanese eat a lot of fish, and tuna is the most popular. Tokyo's Tsukiji fish market, with $6 billion in annual sales, is the world's largest, and 60,000 traders buy and sell several million pounds of fish each day. One large tuna may be sold for tens of thousands of dollars.

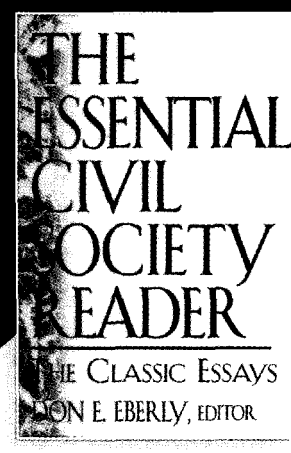
The waters around Japan are becoming overfished; so Japanese tuna buyers travel around the world looking for the perfect "export fish." The waters off New England are good tuna waters, as is the Atlantic west of Spain. Other productive tuna fisheries are in Australian and Croatian waters.

Falling transportation costs make it economically feasible to fly tuna from these distant countries to Japan, process the fish, and then re-export them overseas. But not only fish travel from Japan; often young Japanese travel with them. Guidebooks for young Japanese advise that sushi chef is one of the best jobs for those wanting to spend a year abroad.

None of the arcane traditions of Japanese tuna buying have changed as the tuna market has expanded. Fishers in Dubrovnik, Portland, or Cairns quickly learn that to impress a Japanese buyer, a tuna needs good *kata* (firmness) and must be wrapped in one particular type of Japanese paper to be shipped back to Tokyo.

"Globalization doesn't necessarily homogenize cultural differences nor erase the salience of cultural labels," Bestor writes. "Quite the contrary, it grows the franchise."

DEMOCRACY'S FUTURE MAY DEPEND ON A STRONG CIVIL SOCIETY



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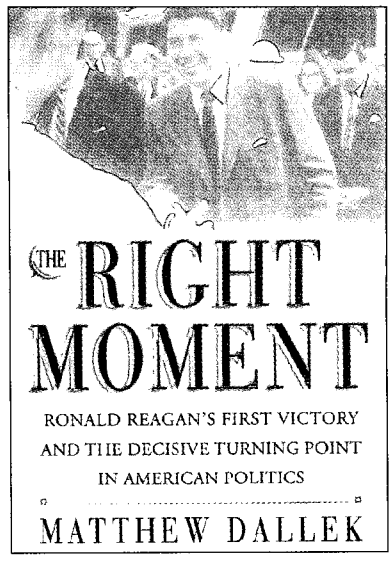

THE RIGHT MAN FOR THE PART

By Paul Kengor

The Right Moment
By Matthew Dallek
Free Press, 320 pages, $25

The Right Moment may be the seminal work on Reagan's first gubernatorial campaign. This much is certain: Matthew Dallek grasps the long-term importance of those early Reagan years and understands that Reagan personally was a vital, irreplaceable force within that period, and thus far beyond as well. This book, which was Dallek's doctoral dissertation at Columbia, will help shape the historical view of Ronald Reagan. It will do so to Reagan's advantage.

The book has its problems. Dallek is a liberal, and that bias leads him to occasionally misstate things. For example, prior to the gubernatorial run, Dallek says few California politicians were as "shrill and radical in their political beliefs" as Reagan. He follows with a quote from a Reagan speech in January 1962, that isn't especially shrill or radical. Of communism, Reagan asserted: "Whether we admit it or not, we are in a war. This war was declared a half-century ago by Karl Marx and re-affirmed by Lenin when he said that communism and capitalism cannot exist side by side." Reagan would be labeled shrill and radical in the 1980s when he made such statements. In reality, however, his 1962 assessment was correct. Far from radical, Reagan was bold and insightful. In that same vein, Dallek uses phrases like "excoriated," "mocked," and "thundered ominously" to describe when Reagan merely defended himself and conservative ideals against attacks from liberal Rockefeller Republicans. That crowd made unfair, harsh charges against Reagan, once viciously (without merit) accusing him of racism—an attack so unfair that it sent Reagan charging off the stage cursing.

By and large, Dallek does a good job describing Reagan's beliefs and much of the conservatism of the time. He is quite fair, unusually so for a liberal scholar. Indeed, a big story here is that a major work by a rising liberal academic, one endorsed by top liberal academics like Alan Brinkley and William Leuchtenburg, is so fair and positive. This is the kind of work that will enhance Reagan's reputation among those who rank Presidents and who determine, for better or worse, how "history" remembers them.

The book's contribution is its focus on Reagan's early political career, where it breaks new ground. This period has been neglected. Not until this book did anyone comprehend the gravity of what Reagan did from roughly 1962-67. He was responsible, as much as or more so than anyone else, for the dominant new era in American politics, the conservative ascendancy that captured the last quarter of the twentieth century, and still dominates. This, then, is a book about the importance of Reagan himself, and how he made the difference. It helps slay the myth that Reagan succeeded merely because of the "smart men" around him. As Dallek notes, "To critics of the 1960s, it was not at all clear that without Reagan, there was no Reagan campaign." To the contrary, he writes, "in their rush to debunk Reagan," critics have "overlooked the degree to which the Reagan campaign was a group effort that coalesced around a talented candidate."

He details what Reagan faced and reversed. In 1962, a handful of conservative politicians ran for high office in California, and to a person they nearly all suffered resounding rebukes at the ballot box. The conservative movement in California and the nation was "an object of derision," particularly among journalists and academics.

Conservatism was on the ropes. With Goldwater's collapse, "most of the country agreed...that as a political force conservatism remained marginal." The defeat was "dispiriting, overwhelming." It was "so thorough, so crushing, that [Goldwater] and the larger ideas for which he stood had virtually no chance of making a comeback."

Dallek skillfully notes how Reagan was able to reverse enough of this view to get himself elected and lead a national movement that would fundamentally shift politics. No small achievement.

How did he pull it off? He had the right issues at "the right moment," peddling them in a palatable, articulate, "reasonable-sounding" manner in a way other conservatives hadn't—or, more importantly, couldn't. He did so with a smiling message of "sunny," soaring optimism and patriotism. He was a quick study, as well as a "crowd pleasing and inspirational orator" of unusual prowess. He could be "eloquent, witty, and self-effacing" and "charismatic, handsome, and cool under fire," as well as "warm and good-natured."

In 1966, Reagan trounced the popular governor Pat Brown by a million votes. He took 55 of the state's 58 counties—a "remarkable reversal" from 1958, when Brown won nearly the same. It would be a sign of the next 20 years to come. "And when Brown went down," concludes

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Dallek in the book's final lines, "so did the [liberal] philosophy he had clung to throughout his adult life. It has never really recovered."

It hasn't. As Dallek shows, that's a credit to Reagan. And so is this book.

Paul Kengor is associate professor of political science at Grove City College. He is writing What Reagan Knew, *which focuses on Reagan's personal role in undermining the Soviet empire.*

THE TIES THAT BIND

By Allan Carlson

Robert Nisbet: Communitarian Traditionalist
By Brad Lowell Stone
ISI Books, 152 pages, $19.95

With the rise of "communitarian" thought on the American Left and of "civil society" theory on the Right, Robert Nisbet (1913-1996) only grows in stature as one of the seminal minds of the twentieth century. Nisbet's academic career began at the University of California-Berkeley as a student of Frederick J. Teggart, who emphasized the innate conflict between state and family in human history and encouraged Nisbet toward a 1939 dissertation on "The Reactionary Enlightenment."

Nisbet absorbed here the intoxicating work of the early-nineteenth-century French writers Bonald, de Maistre, Lamennais, and Chateaubriand. Their defense of small, historic, and rooted institutions against the claims of the revolutionary modern state inspired Nisbet's first book, *The Quest for Community*. It was part of that "freshet of books," all appearing in the early '50s, which would spark the conservative intellectual revival in America. The others were Russell Kirk's *The Conservative Mind*, Eric Voegelin's *The New Science of Politics*, and William F. Buckley's *God and Man at Yale*. In his book, Nisbet described human society as a partnership of the dead, the living, and the unborn. He highlighted the spontaneous order that grew out of custom and tradition, one compatible with true liberty. He respected "the inherited authority and status of traditional communities"—families, churches, villages, craft guilds, and so on. Such true communities were functional, embraced some transcending ideal or "dogma," bore an authority resting on consensus and legitimacy, maintained task-centered hierarchies, and rested on senses of honor, solidarity, and group pride. For most of human history, Nisbet argued, such communities—rather than individuals—were the basic units of society.

But the modern state had risen to challenge and dissolve these primordial human collectives. The centralizing state was the foe of kinship. It used war to crush localisms and particularities. The concepts of "democracy" and "equality" also proved effective in disrupting traditional hierarchies and authority. The modern state especially welcomed and contributed to the disintegration of the family, with the welfare state absorbing many of the family's former functions. Nisbet emphasized the growing alliance between the "intellectual" class and centralized government, and the intimate connection between the welfare state and the "warfare state." (My favorite concrete example of Nisbet's observation: In 1966, with the American role in Vietnam growing in parallel with Lyndon Johnson's domestic agenda, one presidential aide described the administration's goal as seeking "great societies at home and grand designs abroad.")

Author Brad Lowell Stone, a sociologist at Oglethorpe University, shows how this "one great" theme of authentic community versus the state percolated through all of Nisbet's subsequent work, including such important volumes as *The Sociological Tradition* (1966), *The Sociology of Emile Durkheim* (1974), *Twilight of Authority* (1975), and *History of the Idea of Progress* (1980). Stone also offers valuable clarifications of Nisbet's basic argument. He notes, for example, that although Nisbet found intellectual heroes in Edmund Burke and Alexis de Tocqueville, he did not embrace their grounding of society's "little platoons" in human nature. Eschewing any focus on "natural law," Nisbet talked instead about the functionality of small institutions and their ability to solve social problems.

Regarding capitalism, Nisbet acknowledged that it had disturbed many traditional social units. But the root cause of trouble was again the centralizing political state. As he wrote in *Quest for Community*: "The State's development of a single system of law...; its deliberate cultivation of trade in the hinterlands; its positive subsidies and protections to those new businessmen who were seeking to operate outside the framework of guild and church; its creation of disciplined State workhouses—all provided a powerful *political stimulus* to the rise of capitalism."

On the subject of religion, Stone shows that Nisbet was conflicted. On the one hand, he saw *institutional* religion as a necessary bulwark in a conservative order, where a strong church could serve as a check on state power. And in his *History of The Idea of Progress*, he highlights the "faint" signs of "a religion renewal... in America" as one cause for hope. On the other hand, he distrusted religious enthusiasm and observed that the best conservative thinkers were usually tepid in their own religious beliefs.

Stone concludes his investigation of Nisbet with compelling arguments that "Nisbetism" is in fact highly compatible with "the classical liberalism" of the Scottish Enlightenment (whose leaders included David Hume and Adam Smith) and wholly at odds with the political "monism" of Robert Bellah and other American "new communitarians." He also launches into his own Nisbet-inspired salvos against certain feminist orthodoxies: arguments that this reviewer, at least, found gratifying (for example, "Our culture has replaced the natural purpose of marriage, the rearing of children to maturity, by the emotional and sexual gratification of adults; a gendered division of labor has given way to an androgynous ideal buoyed by avarice").

Robert Nisbet still awaits his complete intellectual biographer. But for now, Stone's volume serves as a concise and admirable review of Nisbet's substantial intellectual legacy.

Allan Carlson is president of the Howard Center for Family, Religion and Society in Rockford, Illinois.

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Off The Shelf

A REGULAR REVIEW OF CLASSIC, OVERLOOKED, NEWLY RELEVANT, OR OTHERWISE DESERVING OLDER BOOKS

A Lost Art

By Nicholas Stix

The Art of Teaching (1950)
By Gilbert Highet

Teaching is *not* a science. So underscores Gilbert Highet at the outset of *The Art of Teaching.* Highet (1906-78), a sort of "Yankee don," was an Oxford-educated Scot who spent a long and illustrious career at Columbia University teaching and writing about the classics.

Highet warns the reader that he will not be offering any curricular proposals, or telling us how to teach particular subjects. His concern is with teaching in the broadest possible sense. Thus, while he discusses with great candor and not a little irony types of pupils, and the respective virtues of the lecture and tutorial systems, he devotes one-third of the book to "great teachers and their pupils," and to teachers "in everyday life"—none of whom are "educators," as far as today's professionals are concerned. Highet points out that we are, all of us, constantly learning from and teaching others, whether or not we are conscious of this, or even wish to do so. Teachers in everyday life include everyone from fathers and mothers and husbands and wives to clergymen and advertisers. (Highet is especially fond of the Jesuits and of nineteenth-century pedagogues.)

In some ways this book is quaint, and in others prophetic, but in every way it is of perennial interest to the intellectually curious and spiritually hungry. Its quaintness is exhibited in Highet's telling, in shocked tones, of the then-extraordinary case of the school boy who urinated on a textbook in front of his teacher and class. Today, I can see more than a few New York City assistant principals in the same situation breathing a sigh of relief: "Well—it's not like he raped somebody!"

The book becomes prophetic when Highet explains why teachers cannot also be social workers charged with improving their students' extracurricular lives. Teaching, Highet points out, is exhausting work. At the end of the school day, a dedicated teacher has no energy left to solve problems for which he has no expertise. (Were Highet alive today, I think he'd see that social workers also lack such expertise.)

But we live in an age of activist teachers, who claim to be able to fix students' sex, family, and—though they are often hostile towards religion—spiritual lives. Today's activist teachers have so much time and energy for ruining students' extracurricular lives not because they are more dedicated than their predecessors but because their indifference toward trivialities like grammar, math, and history frees up their energy for more urgent pedagogical concerns like sex, death, and race.

A good teacher, says Highet, has three primary characteristics. "First, and most necessary of all...he must know what he teaches. This sounds obvious; yet it is not always practiced." Second, a teacher must *like* what he teaches. Highet tells of an ignoramus he once encountered who was trusted to teach introductory French, yet who had never read Molière and "never will. I don't really like French at all. What I like is basketball. We've got a great little team at Woodside." Highet continues, "The third essential of good teaching is to like the pupils."

Ideas Highet champions that were already unfashionable in 1950 include teachers' need to have, and to teach, willpower. He similarly praises the central role of a powerful memory in teaching and learning, which today's progressive pedagogues deride as "mere rote memorization." And although writing at a time of relative safety in the schools, Highet addresses the problem of thuggish boys, for which he has a simple, no-nonsense solution: Such boys must be taught by *men* who themselves exude the sort of masculinity and toughness the boys will respect.

While Highet does not polemicize, he is at sword's point with much of his age's progressive pedagogy and is anathema to the radical feminists/multiculturalists, who for the past 30 years have eliminated intellectually demanding pre-1970 literature, henpecked the teaching profession and teacher education, and emasculated the boys in our nation's classrooms, all the while denying responsibility for what they have wrought. ("Education merely reflects society.")

To gauge how far we have fallen, and thus how much we need to re-learn Highet's lessons, consider the sneers recently heaped on him by some feminist graduate students of teacher education (and posted on Amazon.com): "A very out-dated book that should not be used in any classroom"; "his exaltation of the Jesuit methods of teaching focusing on memorization and recitation are very out of line with current educational theory" (amen!); and "Highet, the author, does a very good job of ostracizing his readers with his use of elaborate vocabulary and his extreme use of historical figures I have barely heard of."

You don't have to be a parent or educator in order to enjoy reading Gilbert Highet. But if you are responsible for a child's education, you might consider employing the principles he enumerates as part of a home-schooling program, in the selection of a private school, or as a subversive program for when your child is at home from government school.

New Yorker Nicholas Stix, a veteran college instructor, is presently at work on a book on the destruction of American education.

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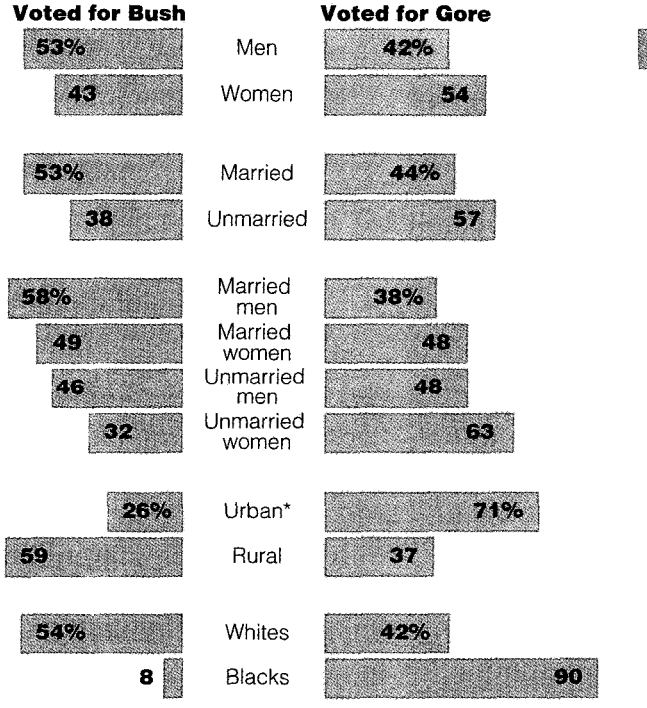
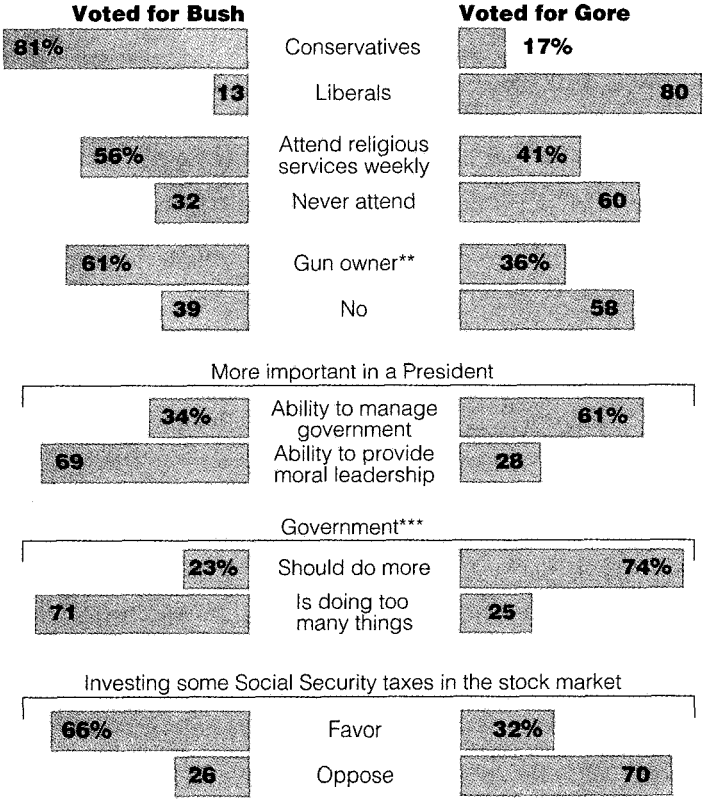
Opinion Pulse

EDITED BY KARLYN BOWMAN

The Voters Speak

On Election Day, Voter News Service surveyed more than 13,000 voters as they left the polls. The data below show how different demographic groups voted and also how Gore and Bush supporters felt about some key issues. To take one example, a majority of women supported Al Gore; a majority of men, George W. Bush. Seventy-one percent of Bush voters (but only 25 percent of Gore's supporters) said government is doing too many things. Despite these differences, Americans are mostly optimistic about the Bush presidency and believe that he should push ahead with the agenda he outlined in the campaign.

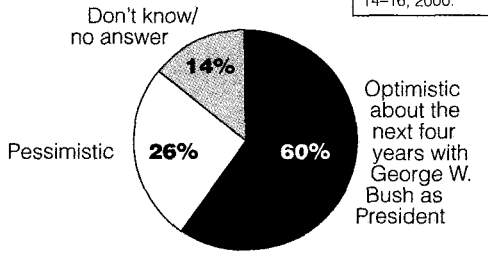




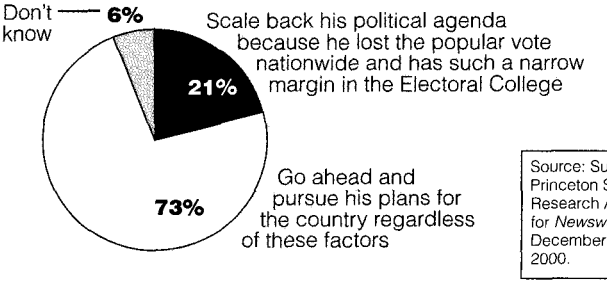
Note: "Urban" = population over 500,000. ** In household. ***Government should do more to solve problems OR Government is doing too many things better left to businesses and individuals.
Source: Survey of 13,279 voters leaving the polls by Voters News Service, November 7, 2000.

Question: Are you generally...?

Source: Survey by CBS News, December 14–16, 2000.



Question: Do you think President-elect Bush should...?



Source: Survey by Princeton Survey Research Associates for *Newsweek*, December 14–15, 2000.

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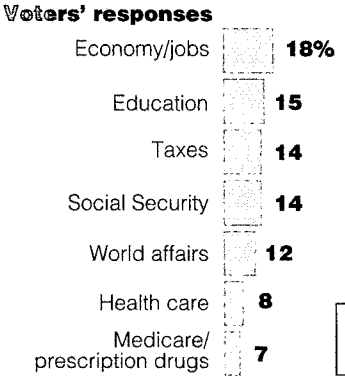
Tax Cuts Matter

When asked to choose from a list of issues that mattered most to them in casting their ballots, voters placed taxes close to the top. In another question in the exit poll, they said they preferred a larger, across-the-board cut to a smaller, targeted one. Most Americans consider the amount of federal income taxes they pay to be too high, and nearly three-quarters favor a cut in federal income taxes. They're skeptical, however, about whether George W. Bush can deliver a cut for all Americans. Majorities say death to the estate tax.

Question: Which one issue mattered most in deciding how you voted for President?

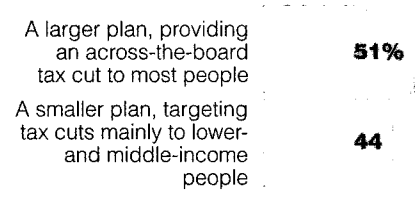
Voters' responses



Source: Survey of 13,279 voters leaving the polls by Voter News Service, November 7, 2000.

Question: Which tax cut plan do you prefer...?

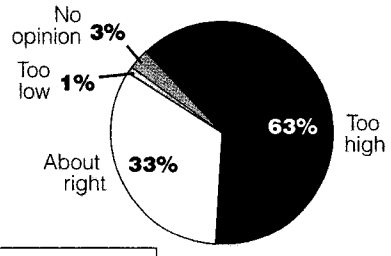
Voters' responses



Note: Voters who cast their ballots for Bush favored the larger plan over the smaller plan by 69 to 26 percent. Voters who supported Gore favored the smaller plan, by 63 to 31 percent. In another question in the exit poll, 30 percent said education reform should be the top priority for the new President, followed by a tax cut (26 percent), Social Security (23 percent) and prescription drugs (11 percent). For Bush voters, a tax cut was the top priority (cited by 39 percent) for the new President. For Gore's supporters, it was the third on the list (cited by 14 percent).
Source: Survey of 13,279 voters leaving the polls by Voter News Service, November 7, 2000.

Question: Do you...?

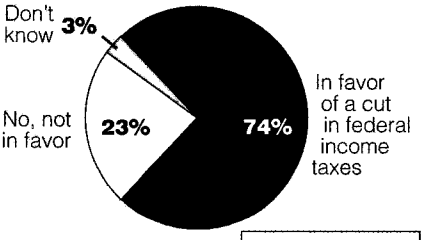
Consider the amount of federal income tax you have to pay as . . .



Source: Survey by the Gallup Organization, April 2000.

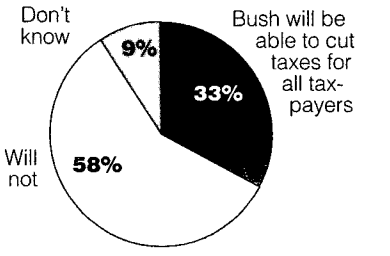
Question: Are you...?

In favor of a cut in federal income taxes



Source: Survey by the Gallup Organization, September 2000.

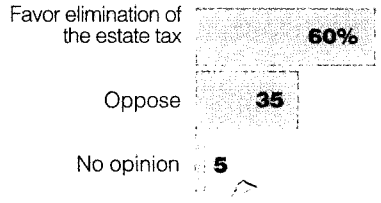
Question: Do you think...?



Source: Survey by CBS News, December, 2000.

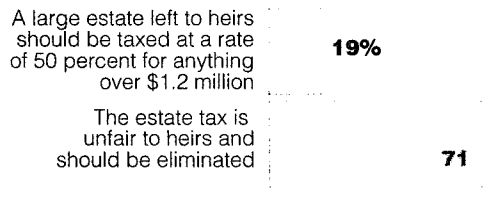
The Estate Tax

Question: Now I would like to ask you a couple of questions about taxes that are paid on money and assets which are inherited when someone dies. As you may know, federal inheritance taxes currently apply to estates valued at more than $1 million. A new proposal would eliminate all inheritance taxes on estates over $1 million as well. Would you...?



Source: Survey by the Gallup Organization, April 2000.

Question: Please tell me which statement comes closer to your view...?



Note: Sample is likely voters.
Source: Survey by Zogby International, December 2000.

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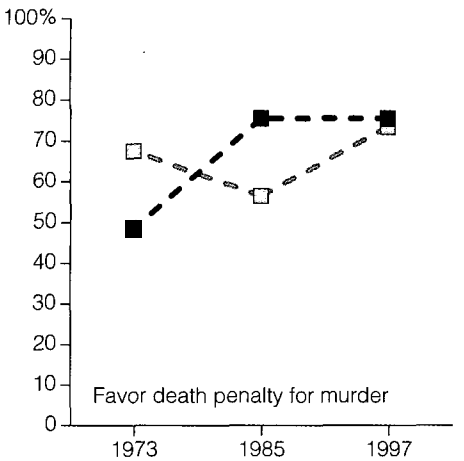
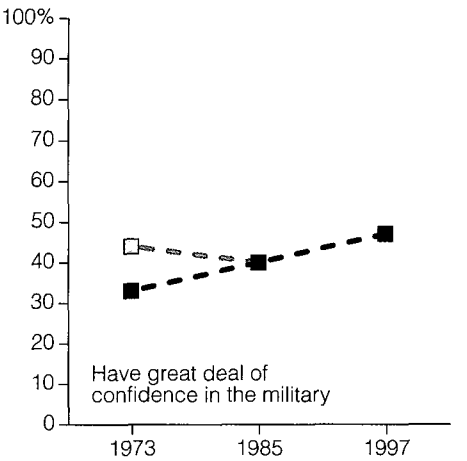
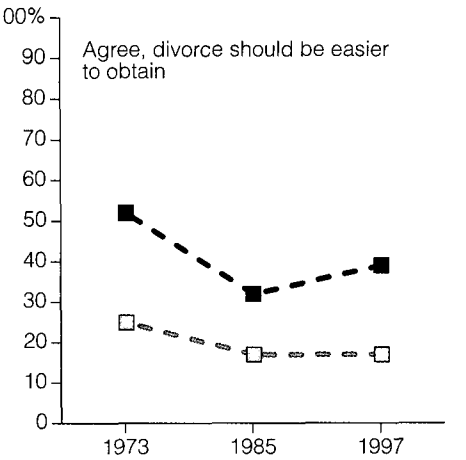
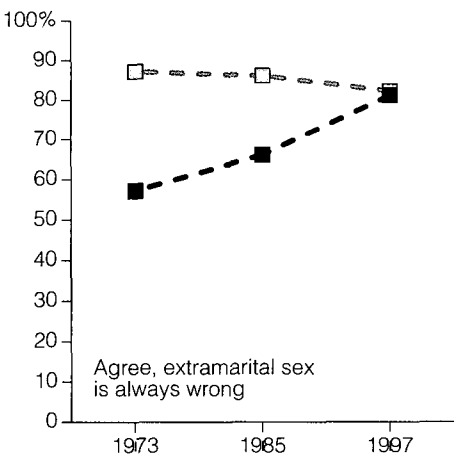
The Generation Gap

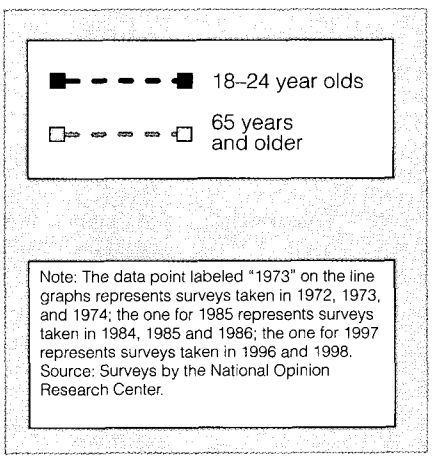
The National Opinion Research Center recently examined how the views of different age groups have changed over the past quarter century. We show below the views of the youngest and oldest groups. In the early 1970s, 48 percent of 18 to 24-year-olds favored the death penalty for murder; in the late 1990s, 75 percent did. Majorities of older voters supported the death penalty all along. Young people find divorce less acceptable than they did 25 years ago. Older people have changed much more than the young in terms of their views about women's roles, homosexuality, and interracial marriage.

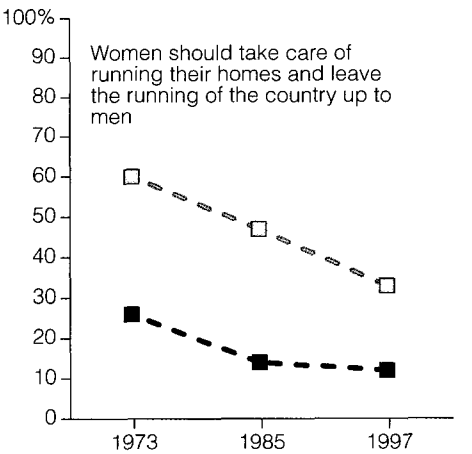


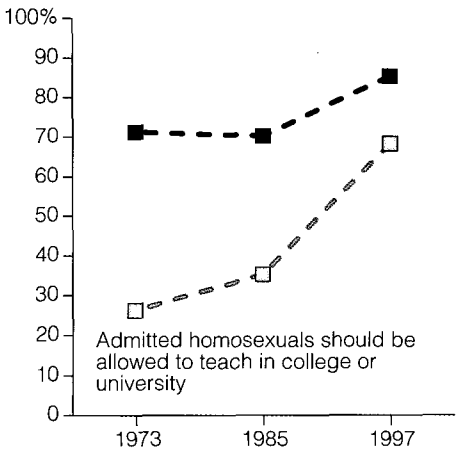


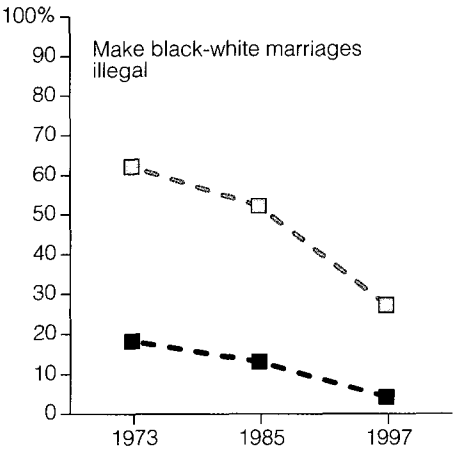


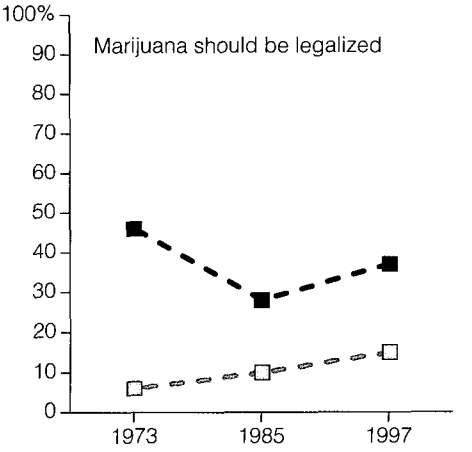












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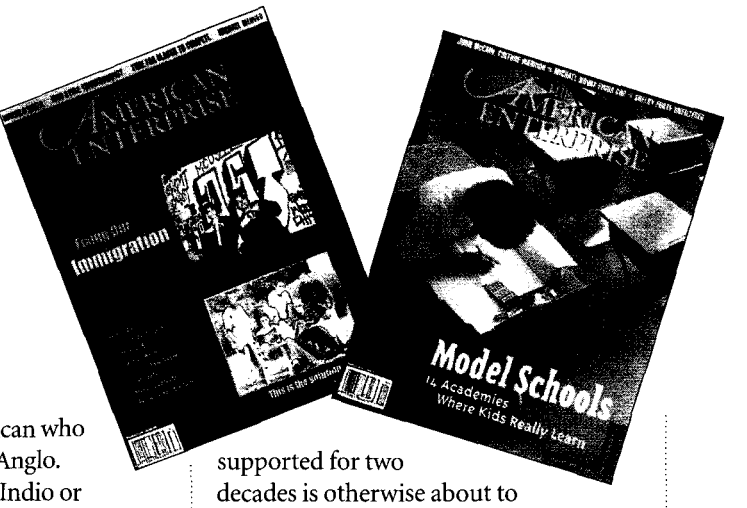
the Mail



In his review of my book *Shows About Nothing* (September), Paul Cantor makes two misleading assertions. First, that I, yearning nostalgically for a more innocent America, make "highly selective" use of evidence such as the optimistic films of Frank Capra while neglecting darker visions of America. But I spend more time talking about film *noir* than Capra, and where I praise contemporary film for suggesting ways beyond nihilism, I celebrate not a return to Capra but a recovery of the motifs of *noir*.

Second, Cantor identifies me as a "right-wing" critic of pop culture. To make this tag stick, he must depict me as a defender of so-called traditional values and claim, for example, that I wish comedy would return to the America of "I Love Lucy." But Cantor ignores my fundamental thesis, stated at the outset and restated in each subsequent chapter (it's even on the dust jacket), that Hollywood's target is not, as critics like Michael Medved think, traditional values, but rather Enlightenment suppositions about freedom, reason, and the dignity of the individual, suppositions that are in large measure shared by the Right and the Left. Cantor never sees the need to so much as mention this thesis.

Thomas Hibbs
Boston College

Samuel Huntington and Georgie Anne Geyer ("The Special Case of Mexican Immigration," December) did the usual imperialist thing—they assumed that people migrating north from Mexico were immigrants. After the War of U.S. Imperialism and Colonization (taught in the U.S. as the Mexican War) Anglo-Americans migrated to the northern frontier of Mexico and the Spanish Empire in the Americas. It isn't the Mexican who is the immigrant. It is the Anglo.

Native New Mexicans, Indio or Hispano, have been there since the early 1600s. So why shouldn't they be allowed to live there and to speak their own language? Why shouldn't they be allowed to continue living their lives outside of the "Americanization" (read "McDonaldizing" or "Wal-Martization") that other U.S. citizens suffer from?

R. H. Gaylor
Kishwaukee College

Many thanks for Karl Zinsmeister's overview of immigration (BIRD'S EYE, December). One vital aspect he didn't touch on: the political implications. Seeing the demographic handwriting on the wall, the GOP has been trying to match the Democrats in currying the favor of immigrants. The recent elections show that policy's bankruptcy: about three-quarters of immigrants voted Democratic, the deciding factor in many elections. Republicans lost three House seats in California alone, due principally to "demographic shifts"—immigrants moving in, long-term residents moving out.

Yet some Republicans are now joining an effort to grant amnesty to still another group of illegals—three-quarters or more of whom, along with their children, will likely vote Democratic. These immigrant voters will assign the Republican Party to minority status for the foreseeable future. The alternative: rein in immigration to a level that does not distort our political system.

The Republicans have one or at most two election cycles to address this situation. After that, a just fate will consign them to the political oblivion to which the immigration policy they have supported for two decades is otherwise about to assign them.

John H. Tanton
Federation for American Immigration Reform

Re the January/February issue on model schools: Home-educated students (approximately 1.5 million in the U.S. alone) score higher on standardized tests than those from institutional environments. Yet education bureaucrats, though they should have the students' best interests at heart, remain hostile to homeschooling.

It is the parent-teachers who homeschool who have the deepest interest in the results of their children's education, not the public school system.

William and Daisy Little
Miami, Florida

Your reporting on 14 model schools did an excellent job presenting the marvelous variety in worthwhile approaches. The underlying lesson: a school needs freedom from outside control, so innovators can work their magic. Unfortunately, the perverse logic of politics guarantees that tax-funded schools will not be given this freedom. Voter "concern" about education propels politicians to vie with each other to invent ways to "help" schools. The result is further layers of deadening regulations and contorting subsidies that stifle innovation and repel creative, idealistic reformers.

Paradoxical as it seems, the best thing an "education President" could do for the schools would be to leave them alone!

Jim Payne
Sandpoint, Idaho

The American Enterprise welcomes your comments. Send to "The Mail," The American Enterprise, 1150 17th Street N.W., Washington, D.C. 20036. Or fax to (202) 862-5867. Or e-mail TheAmericanEnterprise@compuserve.com. Please include your address and phone number. Published letters may be edited for length and clarity.

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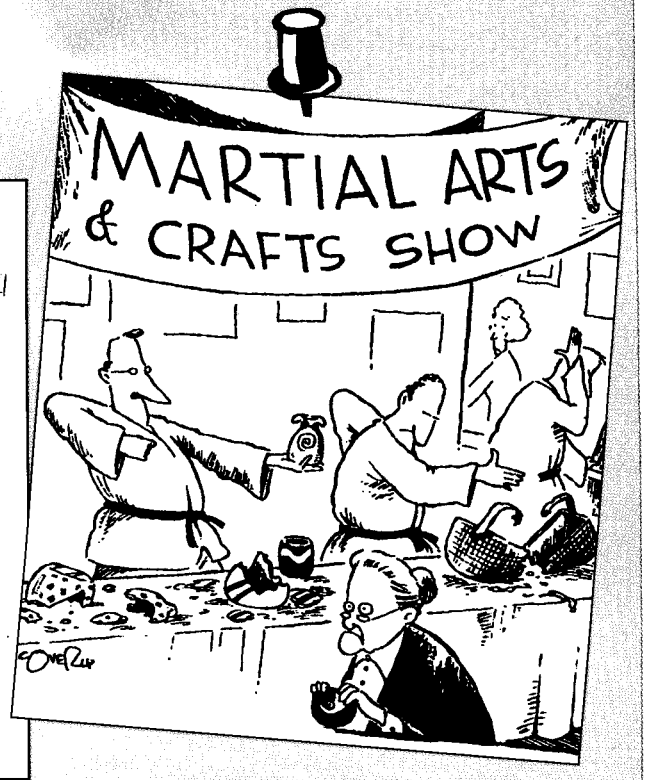

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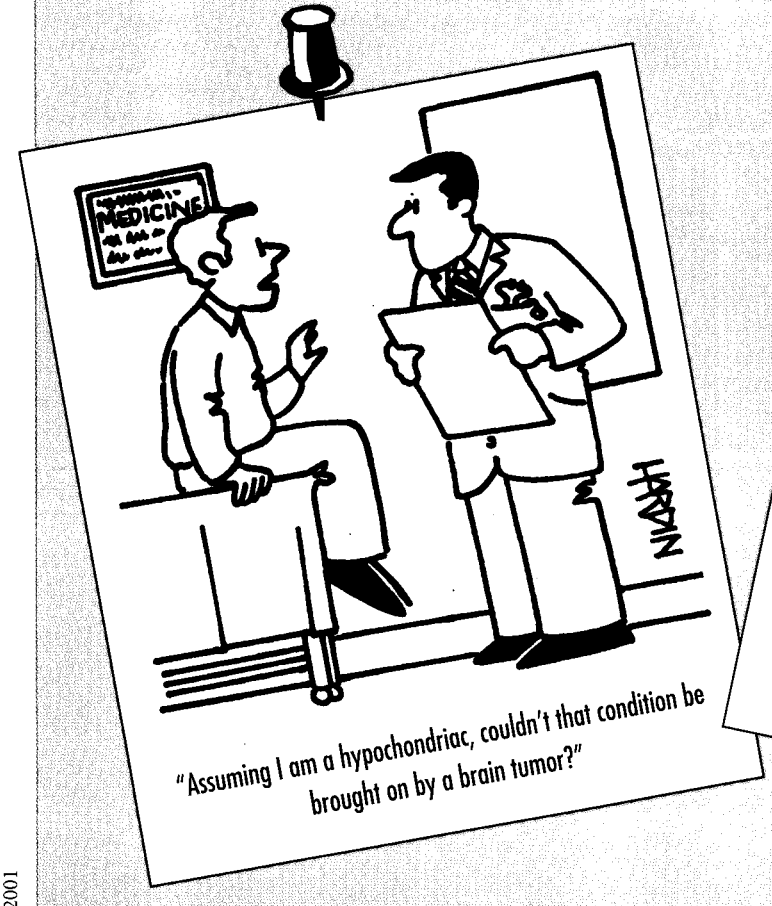

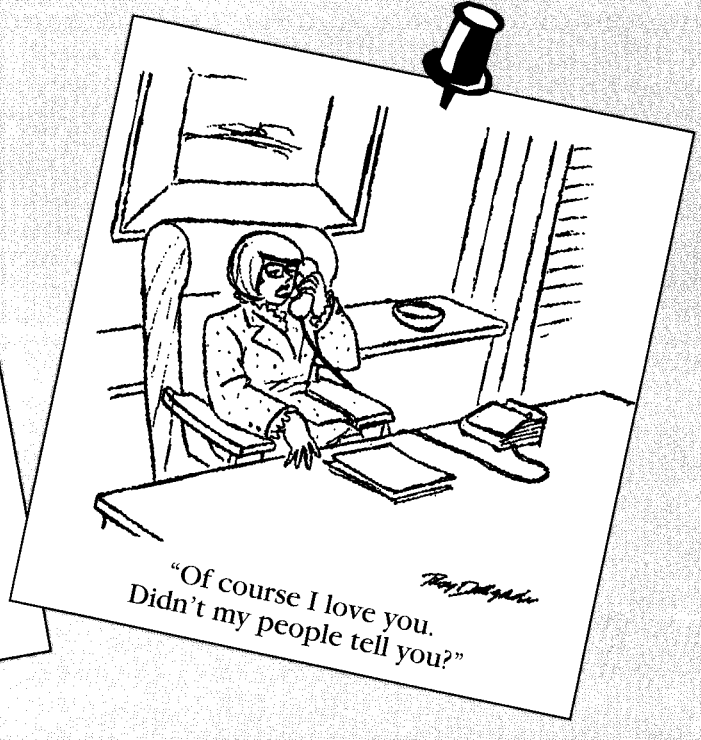

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How did *The First Measured Century* measure up?

Our Think Tank Special, The First Measured Century, aired nationally in primetime on December 20th, 2000. Our viewers respond:

"Thank you for the best program I've ever watched on television!!!"

"It is up there with the best of the great stuff on PBS. Wishing you continued success."

"I wish to thank PBS and Mr. Wattenberg for one of the most rapturous, captivating and informative documentaries I've seen on WETA."

"I was quite impressed with the depth of information provided in your program. It has clarified certain issues I have always had in my mind."

"Since the advent of television, people have prophesied its potential as the ultimate mass education tool.... But, in my view, not until recently has it met this capricious expectation. Tonight, it certainly did."

"I am a high school English teacher, and have just watched your program and surfed your site. Thank you so very much for providing this interesting look at the twentieth century."

"I have only a small comment to make: I loved it! Keep up the good work."

"Bravo! You were able to make not only history but the statistics of history personal and entertaining."

"I thoroughly enjoyed watching the show tonight. As I watched, I was surfing the web, pulling up information about topics mentioned in your program."

"Your presentation was both inspirational and educational. It is the type of show that the younger generations should be exposed to."

"What became abundantly clear was the power that is unleashed through the collection and compilation of demographic information."

"The First Measured Century was undoubtedly your best to date. I only hope the school systems pick up on it and show it over and over again with healthy supplements from your written material."

"My sincere compliments to Mr. Wattenberg on his most convincingly presented and beautifully spoken narration."

"Thanks to the sponsors for their support of this program."

"I am a 29 year old African-American woman who is also a working, single parent. I wanted to send you a few lines to say that I found your program very interesting and thought-provoking."

2-cassette video version ($29.98) available from PBS Home Video: 1-800-Play-PBS. Learn more online at www.pbs.org/fmc

The reference volume, "The First Measured Century: An Illustrated Guide to Trends in America, 1900 - 2000," is available wherever books are sold. Hardcover, $50, or quality paperback, $20

AEI The AEI Press

The PBS program on ideas.

Funding for The First Measured Century was provided by T. Rowe Price, Pfizer, Inc., the Lynde and Harry Bradley Foundation, the John M. Olin Foundation, the Bernard & Irene Schwartz Foundation, the Smith Richardson Foundation, the D & D Foundation, PBS, and the Corporation for Public Broadcasting.

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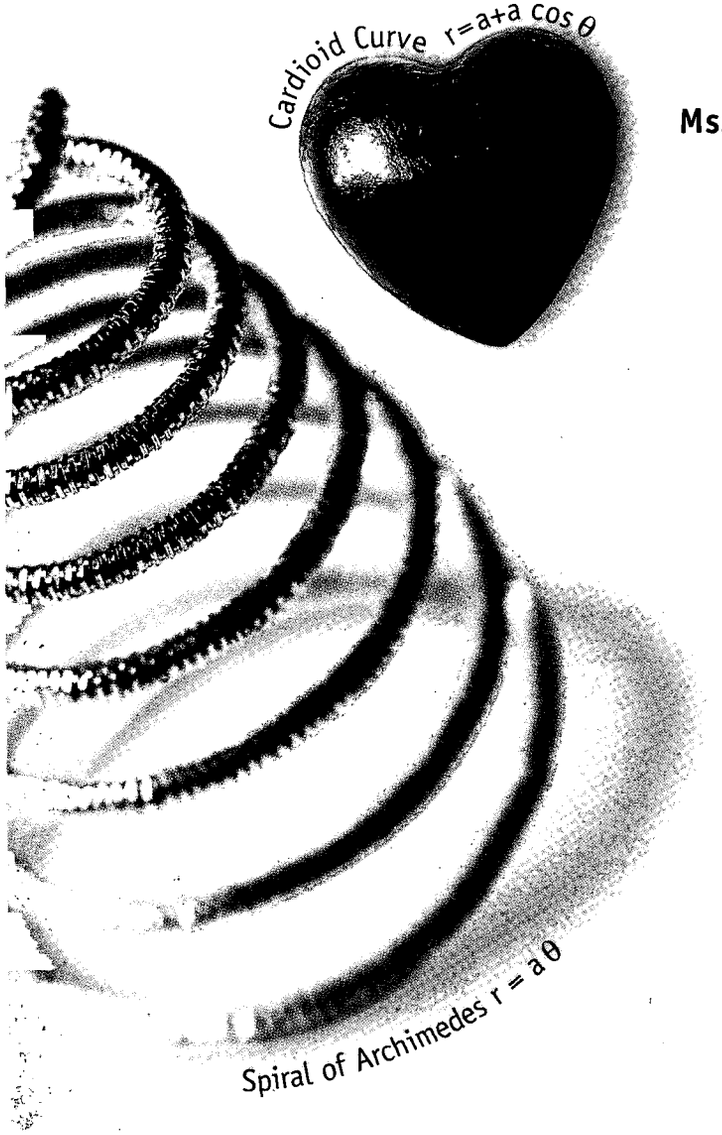

Ms. Ettaro throws her class some major curves.

It's an honors math class with a twist. First Ms. Ettaro has her students study classical polar curves. Next, they search for examples of them outside the classroom. It's a powerful demonstration of how even the most obscure geometric shapes can relate to everyday life.

For her innovative approach, State Farm is pleased to present Ms. Carmella Ettaro with our Good Neighbor Teacher Award™ and to donate $10,000 to Westlake High School in Westlake Village, California.

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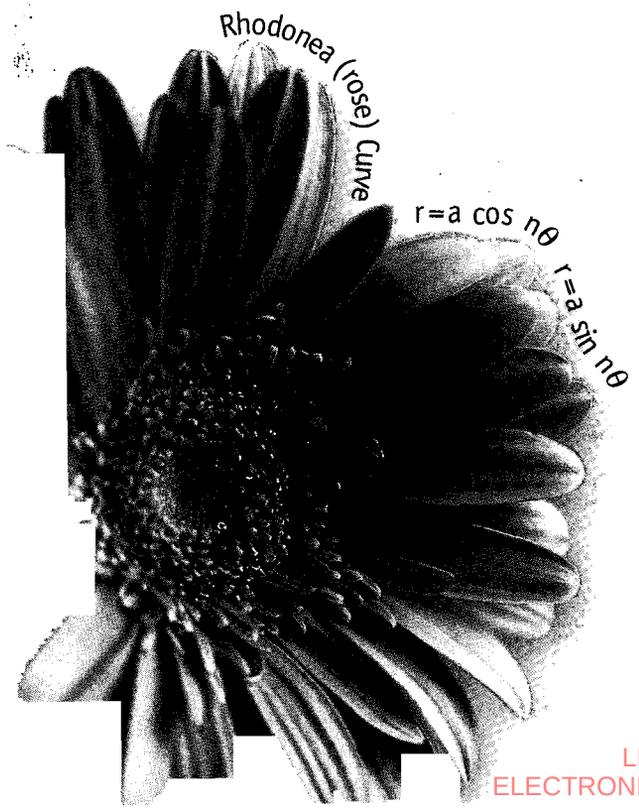
The Good Neighbor Teacher Award was developed in cooperation with the National Council of Teachers of Mathematics.



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